

laws, of course it should go to the Committee on Mines and Mining; but if to the coal-land laws, it should go to the Committee on Public Lands.

Mr. NELSON. If it relates to the title of public lands it should go to the Committee on Public Lands.

Mr. HEYBURN. Still we have extended the mining laws to Alaska.

Mr. SCOTT. I understand that it is a bill to amend the mining laws of the country so that it will apply to the Territory of Alaska. If it does that, of course it should go to the Committee on Mines and Mining.

The PRESIDING OFFICER. The bill will be referred to the Committee on Mines and Mining, if there is no objection.

#### BUCKHANNON & NORTHERN RAILROAD CO.

Mr. SCOTT. Mr. President—

Mr. CULLOM. I rose to make a motion to adjourn, but I will allow the matter the Senator from West Virginia wishes to call up to be disposed of.

Mr. SCOTT. I should like to call up, by unanimous consent, the bill (S. 10404) to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co. It is a bill of only three or four lines, granting a right through a military reservation for the building of a railroad. It is the only bill that my late colleague, the junior Senator from West Virginia Mr. Elkins, introduced, and it would be a compliment to him to put it on its passage.

The PRESIDING OFFICER. The bill will be read, subject to objection.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with amendments, which were, in line 4, after the word "grant," to insert "the Buckhannon & Northern Railroad Co.," and in line 7, after the word "locks," to strike out the remainder of the bill, in the following words:

And to permit such encroachments on said bank of said river as may be necessary along the line of the railway proposed to be constructed by said railroad company, as may be permitted without detriment to navigation—

And in lieu thereof to insert:

Nos. 10, 11, 12, 13, and 14, at such price, and on such terms and conditions, as he may consider just, equitable, and expedient.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized, in his discretion, to grant the Buckhannon & Northern Railroad Co. a right of way through lands of the United States, on the western bank of the Monongahela River, in the State of West Virginia, adjacent to Locks Nos. 10, 11, 12, 13, and 14, at such price, and on such terms and conditions, as he may consider just, equitable, and expedient.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CHEROKEE INDIAN ALLOTMENTS.

Mr. OWEN. I present a memorial of the Keetoowah Society of Cherokee Indians, and I ask that it be printed as a document. It is very short.

Mr. SMOOT. I should like to know something about what the memorial is.

Mr. OWEN. The memorial relates to the lands of the Cherokee Indians which have been allotted to the children born since July 1, 1902, and up to March 3, 1906. It is in relation to the right of the United States to distribute that property contrary to the agreement of July 1, 1902, and it is a notice and a warning to the United States that if the property is so distributed, the United States will be subject to a demand of \$10,000,000.

Mr. SMOOT. Is it a memorial from the State legislature or from individuals?

Mr. OWEN. It is from the Keetoowah Society, an organization—

Mr. SMOOT. I am not going to object to the printing as a document, but I do believe that in the future such requests for printing should go to the Committee on Printing. I will state now, not because of this particular document, but so that all Senators will understand, that it is very much better for the Committee on Printing to act upon such questions, and the committee are always willing to act just as quickly as they can get together.

Mr. SCOTT. I object to the request. Let it go to the Committee on Printing.

The PRESIDING OFFICER. Objection is made, and the motion to print will be referred with the memorial to the Committee on Printing.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 8, 1911, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

TUESDAY, February 7, 1911.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

#### CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will proceed with the Calendar for Unanimous Consent, in order to-day under the rules.

#### VALIDATION OF HOMESTEAD ENTRIES.

The first business was the bill (H. R. 26290) providing for the validation of certain homestead entries.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That all homestead entries which have been canceled or relinquished, or are invalid solely because of the erroneous allowance of such entries after the withdrawal of lands for national forest purposes, may be reinstated or allowed to remain intact, but in the case of entries heretofore canceled applications for reinstatement must be filed in the proper local land office prior to July 1, 1911.

Sec. 2. That in all cases where contests were initiated under the provisions of the act of May 14, 1880, prior to the withdrawal of the land for national forest purposes, the qualified successful contestants may exercise their preference right to enter the land within six months after the passage of this act.

With the following amendment:

Line 10, page 1, strike out the word "eleven" and insert the word "twelve."

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### DAM ACROSS ROCK RIVER AT LYNDON, ILL.

The next business was the bill (H. R. 30571) permitting the building of a dam across Rock River at Lyndon, Ill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That Edward A. Smith, Harvey S. Green, and John J. Hurlbert, of Morrison, Ill., their heirs, administrators, executors, successors, and assigns, are hereby authorized to construct and maintain a dam across Rock River at or near Lyndon, Whiteside County, Ill., the south end of said dam to be located near the line between sections 21 and 22 in township 20 north, range 5 east, fourth principal meridian, and the north end of said dam to intersect the bank of said river in section 21 in the same township, range, and meridian, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

Sec. 2. That the right to amend or repeal this act is hereby expressly reserved.

With the following committee amendments:

Amend on page 1, in line 6, by striking out the word "and" and inserting a comma after the word "construct" and the word "maintain," and by inserting before the word "a" the words "and operate;" and amend further by inserting after the word "at" the words "a point suitable to the interests of navigation at."

Amend on page 1 by striking out in line 14 the words "An act entitled 'An act,'" and on page 2 strike out lines 1 and 2 and insert in lieu thereof the following: "the act approved June 23, 1910, entitled 'An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906.'"

Amend on page 2, in line 3, by inserting after the word "to" the word "alter."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### BRIDGE ACROSS MOBILE RIVER AT MOBILE, ALA.

The next business was the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, be, and is hereby, authorized to construct, operate, and maintain

a bridge and its approaches thereto across the Mobile River and its navigable channels in the counties of Mobile and Baldwin, in the State of Alabama, on a line opposite the city of Mobile, to be approved by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, and repeal this act is hereby expressly reserved.

With the following committee amendments:

In line 5, page 1, amend by striking out the words "be, and is" and insert in lieu thereof the words "its successors and assigns, are."

In line 7, page 1, amend by inserting after the word "channels" the words "at a point suitable to the interests of navigation."

In line 3, page 2, amend by striking out the word "and" and inserting in lieu thereof the word "or."

Amend further, by adding as section 3 the following:

"Sec. 3. That the act of Congress approved March 26, 1908, entitled 'An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.,' is hereby repealed."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### BRIDGES ACROSS TENNESSEE RIVER AT CHATTANOOGA, TENN.

The next business was the bill (H. R. 31648) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the county of Hamilton, in the State of Tennessee, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the Tennessee River, between a point 400 feet north of West Sixth Street on the north, and Nineteenth Street (formerly Henry Street) on the south, in the city of Chattanooga, Tenn., to the opposite bank of said Tennessee River, in said county of Hamilton, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Amend in line 6, page 1, by inserting after the word "River" the words "at a point suitable to the interests of navigation."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business was the bill (H. R. 31649) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the county of Hamilton, in the State of Tennessee, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at some point on said Tennessee River above the present bridge from Walnut Street, in the city of Chattanooga, to Hill City, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Line 6, page 1, after "River," insert "suitable to the interests of navigation."

Mr. MOON of Tennessee. Mr. Speaker, I also offer the following additional amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 7, after the word "above," insert the words "or below."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### BRIDGE ACROSS MONONGAHELA RIVER, PA.

The next business was the bill (H. R. 31656) to amend an act amendatory of the act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County."

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the time for commencing and completing the bridge authorized by the act entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, is hereby extended one and three years, respectively, from the 25th day of June, 1911.

Sec. 2. That the bridge authorized to be constructed by said act shall be constructed in accordance with the provisions of the act entitled

"An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled 'An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County.'"

#### BRIDGE ACROSS ST. CROIX RIVER, WIS. AND MINN.

The next business was the bill (H. R. 31860) permitting the building of a wagon and trolley-car bridge across the St. Croix River between the States of Wisconsin and Minnesota.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to H. L. North, W. E. Webster, and H. J. Anderson, of Hudson, Wis., and their heirs, personal representatives, and assigns, to build a wagon and trolley-car bridge across the St. Croix River, also known and designated as Lake St. Croix, from a point on the east bank of said river between the north line of section 25 of township 29 north, range 20 west, and the east and west quarter line of said section, in St. Croix County, Wis., to a point on the west bank of said river almost due west from the place of beginning, in Washington County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That this act shall be null and void unless said bridge herein authorized be commenced within one year and completed within two years from and after the date of approval of this act.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Amend in line 8, page 1, by inserting after the word "point" the words "suitable to the interests of navigation."

Amend on page 2 by striking out all of section 2.

Amend on page 2, in line 9, by striking out the figure "3" and inserting in lieu thereof the figure "2."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10456. An act to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes;

S. 9716. An act to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory; and

S. J. Res. 140. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Little Rock, Ark., in May, 1911.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3897) for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2045) for the relief of John B. Lord, owner of lot 86, square 723, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN as the conferees on the part of the Senate.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9716. An act to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory; to the Committee on the District of Columbia.

S. J. Res. 140. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion to be held at Little Rock, Ark., in May, 1911; to the Committee on Military Affairs.



## MEMORIAL COMMEMORATING THE DISCOVERY OF LAKE CHAMPLAIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 31600) to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain.

The Clerk read as follows:

*Be it enacted, etc.,* That the commissions which were appointed by the States of Vermont and New York to have charge of the recent celebration commemorating the three hundredth anniversary of the discovery of Lake Champlain by Samuel de Champlain, and which have been authorized by said States to build a suitable memorial commemorating said discovery, are hereby granted permission to erect such memorial upon the Crown Point Lighthouse Reservation, N. Y.: *Provided*, That before any actual work of construction shall be begun upon the structure the plans and specifications therefor, both preliminary and detailed, shall be submitted to the Secretary of Commerce and Labor for his approval, and after they have been approved by him they shall not be deviated from without his prior approval.

SEC. 2. That upon the completion of the structure in accordance with the provisions of this act the Secretary of Commerce and Labor is hereby authorized and directed to accept the same, free of expense, for and in behalf of the United States.

SEC. 3. That upon the acceptance of the structure by the United States the same shall be maintained as an aid to navigation at the expense of the appropriations for maintenance of the Lighthouse Service.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

## INSPECTION OF LOCOMOTIVE BOILERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto.

The Clerk read as follows:

*Be it enacted, etc.,* That the provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia, or in any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this act shall include all the roads in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and the term "employees" as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train.

SEC. 2. That from and after the 1st day of July, 1911, it shall be unlawful for any common carrier, its officers or agents, subject to this act to use any locomotive engine propelled by steam power in moving interstate or foreign traffic unless the boiler of said locomotive and appurtenances thereof are in proper condition and safe to operate in the service to which the same is put, that the same may be employed in the active service of such carrier in moving traffic without unnecessary peril to life or limb, and all boilers shall be inspected from time to time in accordance with the provisions of this act, and be able to withstand such test or tests as may be prescribed in the rules and regulations hereinafter provided for.

SEC. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, a chief inspector and two assistant chief inspectors of locomotive boilers, who shall have general superintendence of the inspectors hereinafter provided for, direct them in the duties hereby imposed upon them, and see that the requirements of this act and the rules, regulations, and instructions made or given hereunder are observed by common carriers subject hereto. The said chief inspector and his two assistants shall be selected with reference to their practical knowledge of the construction and repairing of boilers, and to their fitness and ability to systematize and carry into effect the provisions hereof relating to the inspection and maintenance of locomotive boilers. The chief inspector shall receive a salary of \$4,000 per year and the assistant chief inspectors shall each receive a salary of \$3,000 per year; and each of the three shall be paid his traveling expenses incurred in the performance of his duties. The office of the chief inspector shall be in Washington, D. C., and the Interstate Commerce Commission shall provide such stenographic and clerical help as the business of the offices of the chief inspector and his said assistants may require.

SEC. 4. That immediately after his appointment and qualification the chief inspector shall divide the territory comprising the several States, the Territories of New Mexico and Arizona, and the District of Columbia into 50 locomotive boiler-inspection districts, so arranged that the service of the inspector appointed for the district shall be most effective, and so that the work required of each inspector shall be substantially the same. Thereupon there shall be appointed by the Interstate Commerce Commission 50 inspectors of locomotive boilers. Said inspectors shall be in the classified service and shall be appointed after competitive examination according to the law and the rules of the Civil Service Commission governing the classified service. The chief inspector shall assign one inspector so appointed to each of the districts hereinafter named. Each inspector shall receive a salary of \$1,800 per year and his traveling expenses while engaged in the performance of his duty. He shall receive in addition thereto an annual allowance for office rent, stationery, and clerical assistance, to be fixed by the Interstate Commerce Commission, but not to exceed in the case of any district inspector \$600 per year. In order to obtain the most competent inspectors possible, it shall be the duty of the chief inspector to prepare a list of questions to be propounded to applicants with respect to construction, repair, operation, testing, and inspection of locomotive boilers and their practical experience in such work, which list being approved by the Interstate Commerce Commission, shall be used by the Civil Service Commission as a part of its examination. No person interested, either directly or indirectly, in any patented article

required to be used on any locomotive under supervision or who is in-temperate in his habits shall be eligible to hold the office of either chief inspector or assistant or district inspector.

SEC. 5. That each carrier subject to this act shall file its rules and instructions for the inspection of locomotive boilers with the chief inspector within three months after the approval of this act, and after hearing and approval by the Interstate Commerce Commission, such rules and instructions, with such modifications as the commission requires, shall become obligatory upon such carrier: *Provided, however*, That if any carrier subject to this act shall fail to file its rules and instructions the chief inspector shall prepare rules and instructions not inconsistent herewith for the inspection of locomotive boilers, to be observed by such carrier; which rules and instructions, being approved by the Interstate Commerce Commission, and a copy thereof being served upon the president, general manager, or general superintendent of such carrier, shall be obligatory, and a violation thereof punished as herein-after provided: *Provided also*, That such common carrier may from time to time change the rules and regulations herein provided for, but such change shall not take effect and the new rules and regulations be in force until the same shall have been filed with and approved by the Interstate Commerce Commission. The chief inspector shall also make all needful rules, regulations, and instructions not inconsistent herewith for the conduct of his office and for the government of the district inspectors: *Provided, however*, That all such rules and instructions shall be approved by the Interstate Commerce Commission before they take effect.

SEC. 6. That it shall be the duty of each inspector to become familiar, so far as practicable, with the condition of each locomotive boiler ordinarily housed or repaired in his district, and if any locomotive is ordinarily housed or repaired in two or more districts, then the chief inspector or an assistant shall make such division between inspectors as will avoid the necessity for duplication of work. Each inspector shall make such personal inspection of the locomotive boilers under his care from time to time as may be necessary to fully carry out the provisions of this act and as may be consistent with his other duties, but he shall not be required to make such inspections at stated times or at regular intervals. His first duty shall be to see that the carriers make inspections in accordance with the rules and regulations established or approved by the Interstate Commerce Commission, and that carriers repair the defects which such inspections disclose before the boiler or boilers or appurtenances pertaining thereto are again put in service. To this end each carrier subject to this act shall file with the inspector in charge, under the oath of the proper officer or employee, a duplicate of the report of each inspection required by such rules and regulations, and shall also file with such inspector, under the oath of the proper officer or employee, a report showing the repair of the defects disclosed by the inspection. The rules and regulations hereinafter provided for shall prescribe the time at which such reports shall be made. Whenever any district inspector shall, in the performance of his duty, find any locomotive boiler or apparatus pertaining thereto not conforming to the requirements of the law or the rules and regulations established and approved as hereinbefore stated, he shall notify the carrier in writing that the locomotive is not in serviceable condition, and thereafter such boiler shall not be used until in serviceable condition: *Provided* that a carrier, when notified by an inspector in writing that a locomotive boiler is not in serviceable condition because of defects set out and described in said notice, may within five days after receiving said notice, appeal to the chief inspector by telegraph or by letter to have said boiler re-examined, and upon receipt of the appeal from the inspector's decision, the chief inspector shall assign one of the assistant chief inspectors or any district inspector other than the one from whose decision the appeal is taken to reexamine and inspect said boiler within 15 days from date of notice. If upon such reexamination the boiler is found in serviceable condition the chief inspector shall immediately notify the carrier in writing, whereupon such boiler may be put into service without further delay; but if the reexamination of said boiler sustains the decision of the district inspector, the chief inspector shall at once notify the carrier owning or operating such locomotive that the appeal from the decision of the inspector is dismissed, and upon the receipt of such notice the carrier may, within 30 days, appeal to the Interstate Commerce Commission, and upon such appeal, and after hearing, said commission shall have power to revise, modify, or set aside such action of the chief inspector and declare that said locomotive is in serviceable condition and authorize the same to be operated: *Provided further*, That pending either appeal the requirements of the inspector shall be effective.

SEC. 7. That the chief inspector shall make an annual report to the Interstate Commerce Commission of the work done during the year, and shall make such recommendations for the betterment of the service as he may desire.

SEC. 8. That in the case of accident resulting from failure from any cause of a locomotive boiler or its appurtenances, resulting in serious injury or death to one or more persons, a statement forthwith must be made in writing of the fact of such accident, by the carrier owning or operating said locomotive, to the chief inspector. Whereupon the facts concerning such accident shall be investigated by the chief inspector or one of his assistants, or such inspector as the chief inspector may designate for that purpose. And where the locomotive is disabled to the extent that it can not be run by its own steam, the part or parts affected by the said accident shall be preserved by said carrier intact, so far as possible, without hindrance or interference to traffic until after said inspection. The chief inspector or an assistant or the designated inspector making the investigation shall examine or cause to be examined thoroughly the boiler or part affected, making full and detailed report of the cause of the accident to the chief inspector.

The Interstate Commerce Commission may at any time call upon the chief inspector for a report of any accident embraced in this section, and upon the receipt of said report, if it deems it to the public interest, make reports of such investigations, stating the cause of accident, together with such recommendations as it deems proper. Such reports shall be made public in such manner as the commission deems proper. Neither said report nor any report of said investigation nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report or investigation.

SEC. 9. That any common carrier violating this act or any rule or regulation made under its provisions or any lawful order of any inspector shall be liable to a penalty of \$100 for each and every such violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such attorneys, subject to the direction of the Attorney General, to bring such suits upon duly verified information being lodged with them, respectively, of such violations having occurred; and it shall be the duty of the chief inspector of locomotive

boilers to give information to the proper United States attorney of all violations of this act coming to his knowledge.

The committee amendment was read, as follows:

Insert as a new section the following:

"Sec. 10. The total amounts directly appropriated to carry out the provisions of this act shall not exceed for any one fiscal year the sum of \$300,000."

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, will some one explain the details of this bill?

Mr. MANN. Mr. Speaker, this bill is the result of a large amount of labor both on the part of the railroad officials, the officials and representatives of railway employees' organizations, and of the committees both in the House and in the Senate. Those committees have had before them a number of bills in reference to boiler inspection on the railroads. The original provision was that the Government itself should make the inspection. A number of different bills have been introduced at different times, and the committees of the Senate and the House have had hearings on those bills. Last summer the railways had a special committee appointed for that purpose to consider safety-appliances legislation, including the boiler-inspection bill. The railway employees' organizations had under consideration the boiler-inspection bill. I said to Mr. Melcher, the chairman of the railroad special committee, last summer, that, in my judgment—

Mr. BARTLETT of Georgia. He represented the railroads?

Mr. MANN. The railroads.

Mr. BARTLETT of Georgia. The companies.

Mr. MANN. Yes; that it was quite certain, in my judgment, that Congress was disposed to pass a bill governing the inspection of boilers, and that I thought it would be a desirable thing, it being a matter of expert knowledge, if the railroads and the railway employees, who were especially interested in the subject, would be able to get together and agree upon the terms of a bill, reserving, of course, to Congress the authority to make any changes it might please, to determine what it would pass, and especially the subject of the form and method of administration and the expense. The committee from the railroad organization, with the chiefs or heads of the various railway employees' organizations, did get together and agreed last summer tentatively upon the general provisions of a bill. Subsequently they had a meeting in Washington and made some changes in the form of the bill, and then afterwards they had another meeting and agreed to some other changes. And the changes they finally agreed upon have been incorporated in the Senate bill, which is now before the House. I have printed in the report upon this bill a letter from Mr. Wills, who is the national legislative representative of the various railway organizations, four large organizations of railway employees, and also a letter from Mr. Melcher, the chairman of the special committee of the railroads; also a letter from Mr. Holder, who is on the legislative committee of the American Federation of Labor; also a letter from ex-Senator Faulkner, who has represented the roads in matters of that sort, and they all ask that this bill shall pass in the form that it is now presented to the House, without amendment.

Mr. FITZGERALD. Is it believed the result of this legislation will be the lessening of railroad accidents?

Mr. MANN. It is the belief of all people concerned, both the railroads and the employees, that the passage of this bill will materially result in the lessening of boiler explosions. In fact, since these bills were introduced at the beginning of this term of Congress, there has already been a lessening of boiler explosions, because of the increased precautions taken by the railroads in reference to the inspection of boilers, simply because the matter was pending in Congress.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Has the Brotherhood of Railroad Engineers agreed to this?

Mr. MANN. They have. The Brotherhood of Railway Trainmen, the Order of Locomotive Engineers and Locomotive Firemen, the Order of Railway Conductors, and I think that one other organization, the switchmen's organization, have all agreed to this.

Mr. STEPHENS of Texas. I would like to state that I have received several letters from my district from railroad employees favoring the passage of this bill. I have not received any letters or statements from the railroads in reference to the matter, but from the employees, and they all favor it.

Mr. MANN. Mr. Wills, a very capable man, who succeeds in Washington Mr. Fuller, who was here for years as the legislative representative of the brotherhood, represents the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Engineers, the Order of Railway Conductors, and the Brotherhood of Railway Trainmen. He asks the passage

of the bill in the form that it now is, and does not do this merely on his own volition, because the bill in its present form has been submitted to the heads of all of these orders and meets their approval.

Mr. BARTLETT of Georgia. May I interrupt the gentleman a moment?

Mr. MANN. Certainly.

Mr. BARTLETT of Georgia. Should it not be stated also that in the last annual meeting of the Railway Trainmen and the Order of Railway Conductors and the Order of Locomotive Engineers this bill was indorsed by them?

Mr. MANN. Yes; I might say the bill is not perfect in form. It is a departure from the past policy of the Government in these matters, except as to the inspection of steamboat boilers. It will not be found, in my judgment, to work perfectly, so far as the matter of administration is concerned, but evils that are disclosed in that respect can be corrected at subsequent Congresses.

I yield to the gentleman from Colorado [Mr. MARTIN], who has been very active in this matter.

Mr. MARTIN of Colorado. Mr. Speaker, I merely wish to assure the Members, as perhaps the only Member of this House who is directly affiliated with the railway brotherhoods of the country, that this measure is agreed upon by and is satisfactory to them at this time in its present form. Of course, it is anticipated that the bill may present difficulties of administration and that defects may be developed in its details and practical application which will perhaps require future attention at the hands of Congress. But they feel that this is the recognition and the establishment by Congress of a much-needed principle—to protect the lives and limbs of railway employees—and that is what they are chiefly concerned in with reference to the present measure.

The regulation and inspection of locomotive boilers by State governments is practically impossible, because there are but few locomotives which do not operate in two or more States. Besides, all other parts of train equipment are now under Federal regulation and inspection and governed by Federal law.

We require driver brakes to be placed upon locomotives; we require air brakes; we require uniform automatic couplings; and we have recently passed an act relative to the equipment and inspection of handholds, steps, ladders, and running boards; so that the locomotive boiler is practically the only part of the train which is not now subject to such regulation and inspection. I trust, therefore, that no objection will be urged and that we may complete a series of acts which are doing so much to protect the railway employees of the country, and the traveling public as well.

Mr. MADDEN. Will the gentleman yield to a question?

Mr. MARTIN of Colorado. Certainly.

Mr. MADDEN. All the marine boilers in use in the United States are inspected by the Government of the United States before being allowed to be used?

Mr. MARTIN of Colorado. They are.

Mr. MADDEN. Is there any reason why the department of inspection having jurisdiction of the inspection of marine boilers should not take jurisdiction over the inspection of these boilers?

Mr. MANN. We think it is not practicable. We asked that very same question of Gen. Uhler.

Mr. MADDEN. It seems to me the establishment of a new bureau for this purpose is creating an additional and unnecessary expense, because the bureau which is already in existence is one of the most efficient bureaus in the Government service. No boiler used in marine work anywhere on the waters under the jurisdiction of the United States is permitted to be operated except after the most rigid inspection and examination by the inspectors in that bureau. And if any bureau established under this law should give as rigid an inspection to boilers on the railroads as the inspection given by the marine bureau of inspection there would be a great deal more safety in the operation of the boilers on the railroads.

Mr. KENDALL. Will the gentleman yield?

Mr. MADDEN. I have not the floor. I was just asking a question.

Mr. KENDALL. Mr. Speaker, I want to inquire what the parliamentary status of the matter is.

The SPEAKER pro tempore (Mr. OLMSTED). As the Chair understands it, the gentleman from Illinois [Mr. MANN] has the floor. He yielded to the gentleman from Colorado [Mr. MARTIN], who yielded to the gentleman from Illinois [Mr. MADDEN]. The right to make objection was reserved by the gentleman from New York [Mr. FITZGERALD].

Mr. MADDEN. I am perfectly in harmony with the theory of the bill, but I think that the provisions of the bill would be better executed under the bureau which is already in existence,



and which has experience, than it would be by the establishment of a new bureau.

Mr. MANN. We do not establish a new bureau by this bill, I will say. Now, Mr. Speaker, if anybody desires to object, all right. There are a good many gentleman who would like to be heard on this bill. I was going to ask unanimous consent, if no objection was made, that Members have leave to print on this bill for five legislative days.

I hope the gentleman will not at this time ask to address the House in reference to the bill, because it was understood that we would not take a great deal of time on this bill on the Unanimous Consent Calendar.

Mr. ROBINSON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. ROBINSON. Did the gentleman's committee have information as to the number of accidents and the number of injuries that have recently been occasioned by boiler explosions?

Mr. MANN. Oh, yes; we have those reports all the time.

Mr. ROBINSON. I am heartily in sympathy with the purpose of this legislation, and from the limited inspection that I have been able to give the bill I believe that it ought to pass.

During the last session many telegrams and resolutions were received by me strongly indorsing the principle of this legislation. Its enactment will diminish the number of accidents occasioned by defective boilers and will give some greater degree of security to those engaged in the very hazardous business of operating railway locomotives.

State legislatures can not deal with the subject adequately. It is desirable that uniform requirements be made throughout the country. This can only be accomplished by the action of Congress.

Some sections of the bill might be improved by amendment. Yet the Committee on Interstate and Foreign Commerce has given careful consideration to the bill, and it is perhaps as near perfect as any measure could be before being tested by practical operation. As stated by the chairman of the committee, the provisions of this bill have been agreed upon by representatives of the interstate railroads and of the various organizations of employees directly concerned in its passage. It is therefore better that the bill be passed without amendment. Its defects can be easily corrected by future legislation should they become apparent.

The many accidents occurring on railroads in the United States as compared with some foreign countries emphasizes the necessity of enacting this measure. It is of the highest importance that every practicable means be adopted for guaranteeing safety to operatives and to passengers. I have not the slightest doubt that the systematic inspection of boilers on locomotives used in interstate commerce, sought to be established by this bill, will in a very short time reduce to a minimum accidents arising from defective boilers. Surely no one can be blind to the desirability of accomplishing such an end. It can work no harm to anyone. The railroads, realizing the demand for the legislation, have aided in the preparation of this bill, which, while not without some objections, has the approval of all the members of the very busy and important committee of this House which has considered and reported it. I express the hope that the bill will be speedily passed.

Mr. COOPER of Wisconsin. Will the gentleman from Illinois yield?

Mr. MANN. I will yield to the gentleman.

Mr. COOPER of Wisconsin. On the last page of the bill, line 5, it says it is the duty of such attorneys—that is, the United States district attorneys—"subject to the direction of the Attorney General, to bring such suit upon duly verified information," and so forth. Suppose such duly verified information be filed with the United States district attorney showing a violation of these rules and regulations, would the United States district attorney have to write to or in any way consult the Attorney General before he could bring suit?

Mr. MANN. No; he would not under that language. It is unnecessary to have that provision, in my opinion, and if I had been drafting the bill I would not have put it in, because district attorneys under the law are under the direction of the Attorney General.

Mr. COOPER of Wisconsin. They are after the suit is brought, but the question here is as to the bringing of the suit in the first instance. Could they, under this language, bring the suit without first consulting the Attorney General?

Mr. MANN. Yes. There is similar language in other bills where that language has been construed.

Mr. KENDALL. It means that they shall prosecute under the general supervision of the Attorney General.

Mr. COOPER of Wisconsin. But the language of the bill is: It shall be the duty of such attorneys, subject to the direction of the Attorney General, to bring suit.

"Subject to the direction of" means the same as "subject to the approval of;" and the language of the bill means the same as if it read in this way: "It shall be the duty of such attorneys, subject to the approval of the Attorney General, to bring suit."

Mr. MANN. It is subject to his direction; he could direct them not to bring suit.

Mr. COOPER of Wisconsin. Suppose a boiler exploded in Colorado; the United States district attorney would have to consult the Attorney General here and receive his approval or direction before he could bring a suit.

Mr. MANN. I think there is nothing in the point the gentleman suggests. I will say frankly that I do not think the language is very good.

Mr. COOPER of Wisconsin. I think that my construction is the correct one.

I have made this suggestion because of an experience in Wisconsin. My State had a statute requiring manufacturers to put gates about elevator shafts and in various ways to protect employees against dangerous machinery and punishing those who disobeyed the law. This law authorized inspectors to lodge complaints for violations of it. An attempt was made to amend the law so as to require a local inspector first to secure the consent of the State commissioner of labor before he (the inspector) could begin an action. Immediately there was a great uproar, because, owing to the large number of violations of the act, and for other reasons, it would be utterly impossible for the labor commissioner of the State properly to examine into the cases without occasioning such delay as practically to nullify the law.

Mr. MANN. I think this is perfectly plain. If it said by direction of the Attorney General he could bring suit, that would be one thing. The Attorney General could order him not to bring suit, and he has that authority in any suit.

Mr. COOPER of Wisconsin. Will the gentleman permit another suggestion?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. Where the Attorney General by statute is given control of litigation, the language is clear that the suit or action shall be subject to the direction and control of the Attorney General. But this relates to the bringing of the suit. The language of the pending bill is that it is the duty of the district attorneys, "subject to the direction of the Attorney General, to bring suits." That is quite another thing.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent that all gentlemen have leave to extend remarks in the RECORD on this bill for five legislative days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask unanimous consent that the first five pages of the report from the Committee on Interstate and Foreign Commerce be printed in the RECORD.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that the first five pages of the report of the committee on this bill be printed in the RECORD. Is there objection?

There was no objection.

The following is the matter referred to:

[House Report No. 1974. Sixty-first Congress, third session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, beg leave to report the said bill back to the House with the recommendation that it be passed with the following amendment:

Insert as a new section the following:

"Sec. 10. The total amounts directly appropriated to carry out the provisions of this act shall not exceed for any one fiscal year the sum of \$300,000."

The subject of locomotive-boiler inspection has received careful and lengthy consideration by the committees of the House and the Senate having jurisdiction of the bills introduced relating thereto. The matter has also been the subject of careful consideration and conference between representatives of the railroad companies and representatives of the associations of railroad employees. The different railway employees' organizations have given great consideration to the questions involved. Many of the railroads acting together appointed a committee to consider this and other safety-appliance legislation.

The bill as now reported has the approval of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Engineers, the Order of Railway Conductors, and the Brotherhood of Railway Trainmen, as shown by the letter hereto attached from Mr. H. E. Wills, the national legislative representative of those organi-

zations. It also has the approval of the special committee on relations of railway operation to legislation, representing the railroads, as shown by the letters hereto attached of Mr. F. O. Melcher, the chairman of that committee and the second vice president of the Rock Island lines of railroads. It also has the approval of the American Federation of Labor, as shown by the letter hereto attached from Mr. Arthur E. Holder, of the legislative committee of that organization. Letters from other representatives of railroads are hereto attached acquiescing in or approving the measure.

The bill now reported forbids the railroads from using locomotive engines propelled by steam power in moving interstate or foreign traffic unless the boilers and appurtenances thereof are in proper condition and safe to operate, and unless such boilers shall be inspected from time to time in accordance with the provisions of the act. It provides that the inspection of the boilers shall be made by the railroads in accordance with rules and instructions to be prepared in the first instance by the railroads, but subject to approval and modification by the Interstate Commerce Commission, which may itself prepare the rules and instructions for any railroad if that road fails to prepare and file the same.

The bill provides for the appointment of one chief inspector and two assistant chief inspectors of locomotive boilers, to be confirmed by the Senate. The chief inspector to receive a salary of \$4,000 and each of the assistants \$3,000. It provides for the division of the country into 50 locomotive boiler inspection districts and the appointment of 50 inspectors, who shall be in the classified service and be appointed through the Civil Service Commission. The 50 inspectors are each to receive a salary of \$1,800 and traveling expenses, and, in addition may receive an annual allowance for rent, stationery, and clerical assistance, to be fixed by the Interstate Commerce Commission, but not exceeding for any inspector \$600. It requires the railroad companies to file with the inspector of the district a sworn report of each inspection and also a sworn statement as to repairs of the defects disclosed by the inspection. It authorizes any district inspector to order any locomotive out of service if he finds the boiler or apparatus pertaining thereto not in serviceable condition, subject to an appeal to the chief inspector, and a further appeal from the chief inspector to the Interstate Commerce Commission, but provides that pending the appeal the requirements of the inspector shall be effective.

It provides that in case of accident resulting from failure from any cause of a locomotive boiler or its appurtenances, resulting in serious injury or death to one or more persons, statement must be made by the railroad to the chief inspector, and that such accident shall be investigated by a Government official, and that the results of such investigation shall be made public in such manner as the Interstate Commerce Commission deems proper.

It provides a penalty of \$100, to be recovered by suit brought by the United States district attorney, for any violation of the act or of any rule or regulation made under its provisions, or of any lawful order of any inspector.

#### HISTORY OF THE PROPOSED LEGISLATION.

On May 17, 1909, Hon. PHILIP P. CAMPBELL, of Kansas, introduced in the House a locomotive boiler inspection bill, being H. R. 9786. A similar bill had previously been introduced in the Senate on March 22, 1909, by Senator BURKETT, of Nebraska, S. 236, and similar bills were introduced in the House by Mr. KINKAID of Nebraska, on May 20, 1909, H. R. 9965, and by Mr. MARTIN of Colorado on June 21, 1909, H. R. 10889. These bills made specific requirement as to the equipment of locomotive boilers and provided for an inspection under the Secretary of Commerce and Labor of each boiler at least once in every three months, and forbade the use of locomotives which had not thus passed a Government inspection.

Hearings were had before your committee upon the House bills, commencing in January, 1910, and the Senate committee also had hearings upon the Senate bill. As a result of these hearings there was introduced into the Senate on February 23, 1910, by Senator BURKETT, of Nebraska, Senate bill 6702, and a similar bill was introduced into the House on March 1, 1910, by Mr. TOWNSEND, of Michigan, as H. R. 22066. The hearings and conferences and discussions in reference to the various bills pending were continued from time to time and on May 16, 1910, Mr. TOWNSEND, of Michigan, introduced another bill on the subject, H. R. 25924. On June 21, 1910, the Senate Committee on Interstate Commerce reported a substitute amendment for the original Senate bill, S. 6702.

No final action was taken by either House of Congress upon these bills at the last session, though the hearings and discussions of the committees continued concerning them, as well as conferences between the railroads and railway employees specially interested.

During the vacation following the adjournment of the last session of Congress various members of your committee gave special attention and study to the matters involved in the proposition, and Mr. MANN, the chairman of your Committee on Interstate and Foreign Commerce, prepared the draft of a bill, a committee print of which was made and furnished to the officials of the railroads and railway employees' organizations for consideration and discussion. Following the reassembling of Congress in December last, Senate bill 6702, which had been reported on June 21, 1910, with a substitute, was recommitted to the Senate Committee on Interstate Commerce, and that committee reported the bill back to the Senate on December 16, 1910, with a new substitute. Prior to that time, at the request of the representatives of the organizations of railway employees and the American Federation of Labor, Mr. MANN prepared an analysis of his draft of a bill and of the Senate substitute which had been reported to the Senate on June 21, 1910, which analysis was printed and furnished to the parties in special interest.

During the summer vacation the committee representing the railroads and the officials of the employees' organizations had conferences in reference to the propositions involved, and subsequent conferences were held in reference to the Mann draft of bill and the Mann analysis of the Senate bill, which set out various objections to the form of that bill. As a result of all this consideration and discussion various changes were agreed upon and recommended by the respective representatives of the railroads and their employees, which changes were agreed to by amendment in the Senate in S. 6702, as it passed that body on January 10, 1911.

While it is doubtless true (and certainly is in the opinion of the writer of this report) that the bill now reported might be improved by amendment, yet, in view of the thorough consideration which has been given to this matter, and in view of the fact that the bill in its present form is agreeable to the two parties most interested, to wit, the railroad companies and the railway employees, your committee believes it to be desirable to pass the bill in its present form, with the amendment suggested, putting a limitation on the expense to the Gov-

ernment involved, which limitation is also agreeable to those who have given special consideration to the subject, as above set forth.

The letters referred to and the various bills and other papers referred to, except the hearings, are herewith attached as a part of this report, in order that the changes which have been made from time to time may be more easily traced.

#### OPINION OF RAILWAY EMPLOYEES.

WASHINGTON, D. C., January 17, 1911.

DEAR SIR: Confirming conversation had with you to-day, in company with ex-Senator Faulkner and Mr. F. O. Melcher, in reference to the locomotive boiler inspection bill, will say:

In speaking for the four railroad organizations which I represent, I wish to most earnestly request that you use your influence for the favorable consideration in your committee and the passage in the House, without alteration or change, of what is known as bill S. 6702, that passed the Senate on the 10th instant, this bill having been agreed to by the representatives of the railroads and myself, together with others who have been interested in favoring Government supervision of locomotive boilers.

Thanking you, personally, as well as your committee, for the kind and courteous consideration I have received at your hands during the hearings last winter and during our several conferences this winter upon these and other objects, I am, with kind regards,

Very truly, yours,  
H. E. WILLS,  
National Legislative Representative.  
Hon. JAMES R. MANN,  
Chairman Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D. C.

#### OPINION OF RAILROAD OFFICIALS.

##### SPECIAL COMMITTEE ON RELATIONS OF

##### RAILWAY OPERATION TO LEGISLATION,

Washington, D. C., January 17, 1911.

DEAR SIR: In response to your letter of January 12, 1911, and carrying out the assurance given at the conference this morning at your office, at which were present Messrs. Faulkner, Wills, and Melcher, I beg to advise that Senate bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, embodies the requisites of a boiler inspection bill, which were agreed upon after conference between the special committee and Mr. H. E. Wills, representative of the employees.

The negotiations which preceded the agreement consisted of several conferences at which various amendments were considered and agreed upon.

This communication is to advise you that the special committee for the railroads it represents acquiesces in the passage of this act by the House of Representatives.

I have sent copies of this communication to Mr. H. E. Wills, representative of the employees, and to the Hon. Chas. J. Faulkner, F. O. MELCHER.

Yours, very truly,  
Hon. JAMES R. MANN,  
Chairman of Committee on Interstate and Foreign  
Commerce, House of Representatives, Washington, D. C.

ROCK ISLAND LINES,  
Chicago, January 18, 1911.

DEAR MR. MANN: There is one thing that I did not mention to you in our talk yesterday in view of our limited time, and I also omitted mention of it in my letter which was dated yesterday.

It is this: That the American Railway Master Mechanics' Association has adopted by informal ballot, for recommended practice of the association, uniform rules for the inspection and care of locomotive boilers.

I call your attention to the fact that these rules are included in Bulletin No. 11 of this committee, a copy of which you have.

I am simply bringing this to your attention in order that you and your committee may know the progress the railroads have made in this matter, and you will appreciate that this is one step in the direction of simplifying the processes of the supervision of boiler inspection.

Yours, very truly,  
F. O. MELCHER.  
Hon. JAMES R. MANN,  
Chairman House Committee on Interstate and  
Foreign Commerce, Washington, D. C.

AMERICAN FEDERATION OF LABOR,  
Washington, D. C., January 20, 1911.

MY DEAR MR. MANN: The bill S. No. 6702, passed by the Senate on January 10, for the purpose of promoting the safety of employees and travelers upon railroads, by compelling common carriers to equip their locomotives with safe and suitable boilers and appurtenances thereto, meets with the general approval of the organization I have the honor to represent; and if it will be possible for your committee to report this bill to the House and secure its enactment without change, I am confident it will meet with hearty approval and will be highly appreciated.

Thanking you personally, and through you the members of your committee, for the painstaking consideration given this important measure, I am,

Very truly, yours,  
ARTHUR E. HOLDER,  
Legislative Committee, American Federation of Labor.  
Hon. JAMES R. MANN,  
Chairman Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D. C.

WASHINGTON, D. C., January 21, 1911.

MY DEAR SIR: Representing certain railroads, and especially the committee of which Mr. F. O. Melcher is chairman, I had several conferences with Senator CUMMINS, chairman of the subcommittee having charge of Senate bill 6702, being "An act to promote the safety of employees and travelers upon railroads by compelling carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," at which conferences were present representatives of the Boiler Makers' Association, representatives of the Federation of Labor, and Mr. Wills, representing the four brotherhoods of railroad employees. The bill which passed the Senate was the result finally reached in these conferences and acquiesced in by all who were present.



Under these circumstances, I feel that I should make no further opposition to the passage of this bill, unless its provisions should be changed from the form in which they passed the Senate.

With great respect, I remain, very truly, yours,

CHARLES J. FAULKNER.

Hon. JAMES R. MANN,  
Chairman Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D. C.

Mr. COOPER of Wisconsin. Mr. Speaker, I shall not object to consideration of the bill; but had it not been announced here that it has been agreed that the bill is to pass exactly in its present form, I should have offered an amendment to cover the point which I have raised.

Mr. MANN. I will say that had not circumstances been just as they are, I should have offered several.

Mr. COOPER of Wisconsin. In my judgment the only interpretation to be put on that language is that the United States district attorney can not, except subject to the direction—that is, the approval—of the Attorney General, bring a suit.

Mr. BARTLETT of Georgia. Mr. Speaker, may I state that there are many inaccuracies and awkward expressions in this bill. I hesitate to say that, because it comes from the Senate. The committee would like to have corrected them and made several expressions more accurate and correct in many instances from what they are now. But we realized that this was important legislation—a step in the right direction—for the protection not only of the lives and the limbs of the employees of the railroad, but of the property of the railroad and the property of the public, and as it had come from the Senate without opposition, we thought it was proper not to undertake to delay by suggesting amendments that probably not only might delay but defeat the measure.

Mr. ADAMSON. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MANN. I yield to the gentleman.

Mr. ADAMSON. Mr. Speaker, I desire our colleagues in the House to understand that this bill does not entirely represent the ideas and wishes of any one of our committee. All of us doubtless would have offered amendments and insisted on other features, but the subject has been discussed and pressed a long time, and when the parties immediately at interest agreed upon the text of this bill, seeing that it did to a large extent protect the public, and fearing we would secure nothing if we did not take what was agreed upon, we unanimously determined to report this bill because thereby we would secure some very much-needed benefits.

Mr. PETERS. Mr. Speaker, the inspection of locomotive boilers in the interests of the traveling public and of railway men has for some time received public attention. No form of accident in modern industry is more terrible or more unnecessary than the boiler explosion. The demand for adequate inspection of boilers by the Government has resulted in this bill. The Committee on Interstate and Foreign Commerce reports this bill favorably, and I wish to emphasize to the House the importance of indorsing the committee's action.

We gave this problem the most careful consideration and extensive public hearings were held at which appeared representatives of the railroad companies, the unions, and the railroad employees' organizations. The Brotherhoods of the Locomotive Engineers and Firemen, the Order of Railway Conductors, and the legislative committee of the American Federation of Labor have all indicated their approval of this bill. Several experts from the operating departments of the railroads have testified to its practicability of operation. This bill assures the maintenance of a higher standard of safety in locomotive boilers and appurtenances than has heretofore been required. The requirements are absolute and unavoidable. The inspectors provided for in this bill must at any time order to the shops a locomotive which falls below the required standard. The bill also provides for the investigation and special report of all accidents due to faulty boilers.

Public hearings were held by the committee in January, 1910, on this subject. This bill was prepared and passed in the Senate, and it embodies, in the opinion of the House committee, the requisites for efficient legislation on this subject, as shown by our own investigations. While some of us wish it were more complete in many provisions, I believe the bill will attain the desired result. An attempt to amend the bill will necessitate, if successful, its return to the Senate and its probable failure to become law at this session.

The Members of this House are aware of the danger that may come to operatives and passengers through defects in boilers of locomotives. Steam is kept at a high pressure, often times 200 pounds to the square inch. Defects can not be detected except by careful inspection by experts, occasionally from the inside of the boiler. In the rush of traffic railroad com-

panies sometimes yield to the temptation of running their engines without adequate inspection. Many terrible explosions involving ghastly loss of life have occurred.

Marine boilers are already subject to Government inspection, although a much lower steam pressure is there required. Federal legislation has already required air brakes, up-to-date couplings, and other safety appliances upon railroads in the interests of employees and the public. The enactment of this measure is necessary for the completion of this humane program. Trainmen and employees generally strongly favor it. No valid argument can oppose its enactment. I regard it personally as a measure of the most vital importance, and I wish to record myself most emphatically in favor of its passage.

Mr. MANN. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment.

The amendment was agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed.

#### DAM ACROSS NIOBRARA RIVER.

The next business was the bill (H. R. 31662) granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric-light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the time given Charles H. Cornell, his assigns, assignees, successors, and grantees, by an act of Congress entitled "An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation," approved June 18, 1906, in which to construct and to put into operation such dam, and to construct and suspend wires across the said Fort Niobrara Military Reservation for the purpose of transmitting electric light and power, and to complete the construction of telegraph wires across said military reservation; also, the time in which to complete the construction and commence the operation of the trolley or electric railway, with telegraph and telephone lines, over said Fort Niobrara Military Reservation, be, and the same is hereby, extended for five years from the date of the approval of this act: *Provided*, That the privileges granted in said act may, for any military reason or public necessity, be revoked by order of the Secretary of War, in the event of which, on the further order of the Secretary of War so to do, any or all of the construction of any kind, improvements, fixtures, or appurtenances, shall be removed by the owner of the same at his or its own expense and cost, and without any claim of any kind from the United States.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, when was this authority first given?

Mr. MANN. In 1906.

Mr. KINKAID of Nebraska. Mr. Speaker, all this bill seeks is an extension of five years in which to construct a dam across a small stream. It is called a river out in that country, where we do not have the greatest amount of water, but in reality it is only a creek, and to abut the dam on the side on which a military reservation exists. A privilege was also granted to construct a railway across the military reservation. The time will lapse on the 18th of June next. There have been about \$20,000 expended on the project in making surveys for the railway, which will be something over 100 miles in length if constructed.

Mr. MANN. Will the gentleman yield for a question?

Mr. KINKAID of Nebraska. Yes.

Mr. MANN. On page 2 the proviso says:

That the privileges granted in said act may, for any military reason or public necessity, be revoked by order of the Secretary of War.

Will the gentleman agree to an amendment to strike out the words "for any military reason or public necessity," so that it will read—

That the privileges granted in said act may be revoked by order of the Secretary of War.

Mr. KINKAID of Nebraska. If I have to, in order to get the bill through, I will do so.

Mr. MANN. There will be a controversy at once, if the Secretary of War endeavors to revoke the privileges granted, as to whether it was a military reason or a public necessity, which would require the construction of a court.

Mr. KINKAID of Nebraska. I desire to explain why it is here, why that clause was used instead of the other clause which the gentleman doubtless has in contemplation. It is because the promoters of this railway undertook to finance it, and on account of this clause which the gentleman would pro-

pose they could not finance the proposition. They were informed that with this clause which is in the bill they could finance the proposition. So I carried the letter containing this clause to the legal adviser of the War Department, the Judge Advocate General, and he approved it. The bill was referred to the Secretary of War afterwards.

Mr. MANN. Well, that is all right. We passed a great many of these bills in relation to dams through the committee of which I am a member, but we do not give any such authority as this.

Mr. KINKAID of Nebraska. I would say to the gentleman this military reservation is not in use and may be abandoned at any time entirely. It has not been in use for several years, and it may be abandoned at any time. It may possibly be used for maneuvering purposes, but I would very greatly prefer to have this clause continued.

Mr. MANN. But if the Secretary of War is to have the right to revoke the privileges granted then he ought to have that right, and not require him to go to a court to establish such right. That has never been the policy of the Government.

Mr. KINKAID of Nebraska. I understand he would have the right to determine whether or not a military necessity did exist.

Mr. MANN. He would not have any such right under the terms of the bill; that is for the court to determine. So that he would not revoke it except for some reason.

Mr. KINKAID of Nebraska. I think that is as broad as the other, but they can finance it with this proposition and could not with the other.

Mr. MANN. Oh, they will not have trouble about that; that was because of the panic; and they ought not to have any trouble if it is a proper enterprise.

Mr. KINKAID of Nebraska. That is what the brokers said.

Mr. MANN. They always want to get as broad and wide an authority as they can get, and they are not to be blamed for that. It is our business to protect the interests of the Government. Will the gentleman object to that amendment?

Mr. KINKAID of Nebraska. No; I will have to submit.

Mr. MANN. Oh, no; the gentleman does not have to submit at all. I do not want to coerce the gentleman.

Mr. KINKAID of Nebraska. Then go ahead with your amendment.

Mr. MANN. I shall object unless the gentleman cheerfully agrees.

Mr. KINKAID of Nebraska. Certainly; offer the amendment and I will agree to it.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Will the gentleman agree to the amendment?

Mr. KINKAID of Nebraska. Oh, yes.

Mr. MANN. In lines 13 and 14 strike out the words "for any military reason or public necessity," and in line 17 make the word "construction" in the plural. That is necessary to correct the bill.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 13 and 14, strike out the words "for any military reason or public necessity," and in line 17 make the word "construction" in the plural.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I desire to offer a further amendment, which is "The right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Add a new section to read:

"The right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### GOVERNMENT FREE BATHHOUSE.

The next business on the Unanimous Consent Calendar was the bill (H. R. 32082) limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to paupers.

The Clerk read as follows:

Be it enacted, etc., That only persons who are paupers or impecunious and are suffering from ailments for which bathing in the water of the Hot Springs Reservation will afford relief or effect a cure shall be permitted to bathe at the free bathhouse on the public reservation at Hot Springs, Ark., and before any person shall be permitted to bathe at the free bathhouse on the reservation he shall be required to make oath, before such officer duly authorized under the laws of the State

of Arkansas to administer oaths for general purposes as the superintendent of the Hot Springs Reservation shall designate, that he is a pauper or an impecunious person, and any person desiring to bathe at the free bathhouse on the Hot Springs Reservation making a false oath as to his financial condition shall be deemed guilty of willful perjury and be punished in the manner provided by law for the crime of perjury.

The following committee amendments were read:

In line 3 strike out the words "paupers or impecunious" and insert in lieu thereof "without and unable to obtain the means to pay for baths."

In line 13 strike out the following words: "a pauper or an impecunious person" and insert in lieu thereof "without and unable to obtain the means to pay for baths."

Amend the title as follows:

"A bill limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I merely want to ask the gentleman from Arkansas in reference to a technical matter, and that is in reference to taking oath before an officer duly authorized under the laws of the State of Arkansas. Would not authorizing these officers to administer oaths and also all Federal officers who are at the Hot Springs be a desirable thing to do?

Mr. ROBINSON. Mr. Speaker, I have no objection whatever to the amendment suggested by the gentleman from Illinois, and I therefore move—

Mr. FOSTER of Illinois. It seems to me, Mr. Speaker, we ought to have an explanation of this bill respecting this change. It is an important question.

Mr. ROBINSON. Mr. Speaker, I shall be very glad to explain the provisions of this bill. It was prepared by the Department of the Interior and is in line with the suggestions contained in the report of the superintendent of the Hot Springs Reservation. There is maintained in the city of Hot Springs, at Government expense, a free bathhouse, which, under the law as it now exists, is designed for the use of indigent persons. During recent years it has been so crowded as to make its results unsatisfactory. Persons who are not truly entitled to the privileges of the free bathhouse, and who are believed by the superintendent to be able to pay for their baths, have availed themselves of its privileges under the belief that there is more merit in the baths administered there than at other places. And this practice has resulted in crowding out to some extent persons who are, in fact, indigent. As an illustration of the crowded condition of the free bathhouse, more than 200,000 baths were administered there during the last year, and an average of almost 600 persons have bathed there daily during the year 1910—the total number rising as high as 900 on some days. This bill, as amended, requires persons applying for free baths to make an affidavit that they are without means and unable to obtain the same to pay for baths, and it is thought by the superintendent of Hot Springs Reservation that this will reduce the number of persons availing themselves of the privilege of the free bathhouse by at least one-fifth.

Mr. FITZGERALD. Will the gentleman yield?

Mr. ROBINSON. With pleasure.

Mr. FITZGERALD. What is meant by a person's affidavit that he is unable to obtain means to pay for the bath?

Mr. ROBINSON. It means exactly what it says. He can not obtain the money to pay for it.

Mr. FITZGERALD. He can not go out and earn it or borrow or steal it or what?

Mr. ROBINSON. It means that he does not have it, and can not get it in any lawful way, of course. There are some persons who go there who get "busted," to use a common expression, who might be able to raise the money, and it is not thought that they should be admitted to the privileges of the free bathhouse to the exclusion of the persons who are really indigent.

Mr. MADDEN. In all the great municipalities of the country they are establishing free bathhouses, and they expect anybody to come there and get baths. Why should the Government of the United States impose conditions that are not imposed by the municipalities of the United States?

Mr. ROBINSON. On account of the extraordinary conditions that prevail there.

Mr. MADDEN. What are they?

Mr. ROBINSON. The existence of the hot waters, which attracts a great number of indigent persons to the city of Hot Springs. They come there in greater numbers than perhaps to any other place in the world. The city is unable to maintain free bathhouses, and the Government is not maintaining free bathhouses in sufficient numbers to enable every person who comes there to avail himself of them, and this is designed to



make those persons who are able to pay for baths pay for them and give the privilege of the free bathhouse to indigent persons.

Mr. FITZGERALD. In the interests of the Bathhouse Trust?

Mr. ROBINSON. There is no Bathhouse Trust; but to the number of persons excluded it would help the bathhouses, of course. My attention is called to the fact that the Government owns the waters there and controls them.

Mr. TILSON. How much does it cost in Arkansas to obtain the jurat to an affidavit?

Mr. ROBINSON. Twenty-five cents, as a rule.

Mr. TILSON. Then a man would have to have 25 cents in order to pay for the jurat to his affidavit before he could get a bath, would he not?

Mr. ROBINSON. Unless the bathhouse would make provision to take his affidavit, which unquestionably would be done. That would give him the right to bathe continuously.

The measure, I will say in this connection, is not of overwhelming importance; it is a departmental measure, and it is thought its passage will improve the administration of the free baths at the Government bathhouses.

Mr. FITZGERALD. You punish these men for a false affidavit by perjury?

Mr. ROBINSON. That is the language of the bill.

Mr. FOSTER of Illinois. Does the gentleman think that a man ought to be convicted for perjury for wanting to take a bath? [Laughter.]

Mr. ROBINSON. I think some gentlemen ought to be punished for not taking baths. [Laughter.]

Mr. FOSTER of Illinois. I do not think when he is anxious to take it he ought to be punished for perjury. I would suggest to the gentleman that he ought to strike that out.

Mr. ROBINSON. If the gentleman insists on that amendment, I do not think I should object to it.

Mr. FITZGERALD. Why not make the man guilty of a misdemeanor?

Mr. ROBINSON. If the gentleman will offer that amendment, I will accept it. I would not like to have the bill amended so that persons can make false affidavit without any penalty. In view of the suggestion, Mr. Speaker, I move an amendment.

The SPEAKER pro tempore. The question of consideration should be first disposed of. Is there objection to the consideration?

Mr. FOSTER of Illinois. Mr. Speaker, reserving the right to object, the only question in my mind is whether we ought to restrict the right of people to bathe there. The Government, as I understand, owns the Hot Springs Reservation.

Mr. ROBINSON. They control absolutely the land around the springs, and all of the hot water.

Mr. FOSTER of Illinois. It is under the control of the War Department?

Mr. ROBINSON. Under the control of the Interior Department.

Mr. FOSTER of Illinois. They have established one spring there where it is supposed to have more virtue than other springs for the use of the general public of the United States.

Mr. ROBINSON. Mr. Speaker, I do not wish to detain the House further with this bill; if gentlemen have any objection to it, I wish they would make it now.

Mr. FOSTER of Illinois. There are some matters to be stricken out of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. ROBINSON. Mr. Speaker, in view of the suggestion made by my colleague, I offer the following amendment.

The Clerk read as follows:

Strike out all after the word "of," in line 7, page 2, and insert in lieu thereof the following: "a misdemeanor, and upon conviction thereof shall be subject to a fine of not to exceed \$25 or 30 days' imprisonment, or both."

Mr. KEIFER. Mr. Speaker, I want to say a word about this amendment. I understand that it is the first proposition ever made in the Congress of the United States to reduce the crime of perjury to a misdemeanor. It is known in all statutes of all the States, as well as in the Federal statutes, as a felony, and it was so in common law. Now, is it proposed to give a lighter sentence and reduce the crime of perjury to a mere misdemeanor?

Mr. ROBINSON. In reply to the gentleman from Ohio, I will say that this amendment, if adopted, will not define the offense as perjury, but will define it as a misdemeanor. I think it is eminently proper in view of the suggestion that a man should not be convicted of a felony, for making a false statement as to taking a bath. It is not defined as a felony in this amendment.

Mr. KEIFER. But it is perjury to make a false oath; is not that the definition of perjury? I only wish to call attention to the matter.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was agreed to.

Mr. ROBINSON. Now, Mr. Speaker, I offer this amendment:

Line 11, after the word "authorize," strike out the words "under the laws of the State of Arkansas."

The Clerk reported the amendment, as follows:

Page 1, line 11, strike out the words "under the laws of the State of Arkansas."

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

#### STEEL MAIL CARS.

Mr. MURPHY. On the 30th of last month, Mr. Speaker, a wreck occurred on the St. Louis & San Francisco Railroad 1 mile west of Dixon, Pulaski County, Mo., the town in which I was partially raised and wherein I spent most of my boyhood days. The train was known as the "Meteor," one of the fastest on that road, its schedule, including stops, being about 40 miles an hour. The cars used in that train are of steel construction, and the result of this wreck demonstrates the wisdom of the Congress in providing that mail cars should be so constructed. The character of the wreck, its extent and the injuries to the passengers, are best told in an article which appeared in the Dixon Progress, a weekly newspaper published in that little city, bearing date of February 3, 1911, as follows:

One of the worst wrecks, from the amount of damage done, happened at about 7.30 last Monday morning when the Meteor, or No. 10, became derailed about a mile west of town. No. 10 is one of the Frisco's fastest trains, and being a little behind the schedule, was making an effort to regain the lost time. A defective rail caused the engine and four coaches to leave the track and plow their way over ties and ballast until the engine swerved and plunged into the embankment. The shock caused the tender to be thrown directly across the track, while the mail car, baggage car, smoker, and chair car were piled into the banks on either side of the roadbed. Luckily none of them were overturned, and their steel construction prevented them telescoping. This fact alone saved many lives, for had the coaches been of the old wooden type they would undoubtedly have been crushed like eggshells.

The passengers and train crew were all badly shaken up, but with the exception of the fireman, Bernard Crall, of Newburg, were not seriously injured. Several received cuts and bruises and were treated by our local physicians, who hurried to the scene.

#### PAYMENT OF IMPORT DUTIES, ETC., BY CERTIFIED CHECK.

The next business was the bill (H. R. 30570) to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That it shall be lawful for collectors of customs and of internal revenue to receive for duties on imports and internal taxes certified checks drawn on national banks during such time and under such regulations as the Secretary of the Treasury may prescribe. No person, however, who may be indebted to the United States on account of duties on imports or internal taxes who shall have tendered a certified check or checks as provisional payment for such duties or taxes, in accordance with the terms of this act, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid; and if any such check so received is not duly paid by the bank on which it is drawn and so certifying, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

SEC. 2. That it shall be lawful at all times for duties on imports and for internal taxes to be paid in gold and silver coin, gold certificates, silver certificates, United States notes, and notes of national banks.

SEC. 3. That section 3009 of the Revised Statutes and all other acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. That this act shall be effective on and after June 1, 1911.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to ask what objection there is to permitting the acceptance of certified checks on State banks and trust companies.

Mr. McCALL. Mr. Speaker, I think this bill was reported by the gentleman from Connecticut [Mr. HILL].

Mr. MANN. It was reported by the gentleman from New York [Mr. PAYNE], who is ill and who is not here. The bill was prepared by the Treasury Department.

Mr. McCALL. It is recommended by the Treasury Department. I was not present at all of the hearings, but I think the gentleman from New York [Mr. HARRISON] was.

Mr. HARRISON. Mr. Speaker, in answer to the question of my colleague, I will say that I see no personal objection to including State banks in the provisions of this act. In fact, in the consideration of this matter by the committee I stated it seemed to me that this measure gave an additional and undue advantage to the national banks as against the State banks, because people doing business with the customhouse must under the necessity, under the terms, of this measure make their deposits in national banks against which certified checks are to be drawn.

Mr. FITZGERALD. Of course I can see one objection that might be urged, and that is that this act gives the United States a preference, a first lien upon the assets of the national bank.

Mr. BARTLETT of Georgia. And that could not be upon a State bank.

Mr. FITZGERALD. If banks should be closed prior to the payment of the certified check, the obligation of the person who has given the check still remains. In a community like Boston or New York City, to permit the payment of the customs duties by a certified check on a national bank, and to exclude the use of certified checks on State banks and trust companies, would unquestionably result in the development or the acquisition of a certain amount of business in national banks at the expense of State institutions.

Mr. MANN. I do not think practically it would make any difference. Nearly all of the large importing houses carry accounts in more than one bank.

Mr. McCALL. And then, if the gentleman will permit me, I will ask—

Mr. FITZGERALD. Just permit one other statement, and then the gentleman can answer both at once. I am under the impression that at present collectors of internal revenue accept certified checks on State banks and trust companies.

Mr. CALDER. I can assure my colleague that they do.

Mr. FITZGERALD. The law does not require the payment of internal-revenue taxes in gold, as it requires the payments of customs duties in gold. Under this law permitting the collectors of customs and internal revenue to receive for duties on imports and internal taxes certified checks drawn on national banks alone might easily be construed to prohibit the continuance of the present practice of the collector of internal revenue accepting certified checks drawn upon State banks and trust companies.

Mr. McCALL. Mr. Speaker, in the first place, with reference to the gentleman's first suggestion, the national banks are the depositories of public money. The public moneys are not deposited, as I understand, in the State banks; so that if checks were paid to the Government for customs dues they would be deposited by the Government in national banks.

I can not see that there would be any particular advantage in having the provision for payment by check applied at State banks if it was necessary to make a corresponding provision that these checks shall be a first lien upon the assets of the bank. That might create confusion altogether out of proportion to any advantages that would accrue by the simple right to draw checks which would have to be deposited in a national bank and collected by a national bank. But I will say to the gentleman that this was a report by the gentleman from Connecticut [Mr. HILL], I think.

Mr. HILL. This was a unanimous report.

Mr. MANN. The gentleman wants to know why State banks are not included.

Mr. HILL. I presume the reason why State banks are not is they are not national depositories and can not be.

Mr. CALDER. But the gentleman knows that internal-revenue collectors accept certified checks on State banks and trust companies.

Mr. HILL. Certainly, and I think that is a mistake.

Mr. BARTLETT of Georgia. Mr. Speaker, I would like to call the attention of my friend from New York [Mr. FITZGERALD] to the fact that this bill also provides that a certified check shall not be considered as payment of customs duties until it is itself paid, so that it is a mere bill for the convenience of the merchant and of the customs officer, and it provides it shall be a lien upon all property of the bank upon which it is drawn and also that the merchant who gave the certified check shall still be liable to the Government for the duties until the check itself is paid.

Mr. KEIFER. Is not that the effect of the law now?

Mr. FITZGERALD. I desire to call the attention of the gentleman to this fact: I believe in almost every State in the Union debts to the United States have a preference over all other debts under any circumstances.

Mr. McCALL. That requires a knowledge of the different statutes of States, which I do not possess. Of course national

banks are entirely under the jurisdiction of the National Government. I think this is a unanimous report from the committee, but the chairman who made the report is not present.

Mr. FITZGERALD. Would the gentleman have any objection to permitting an amendment to be offered to include State banks and trust companies? And if there should be any good reason for its elimination later that could be done.

Mr. HILL. What amendment does the gentleman propose?

Mr. FITZGERALD. To provide that after the words "national banks," to insert "State banks and trust companies."

Mr. MANN. Will the gentleman from New York allow me to suggest a matter? That would require the entire redrawing of the bill, because plainly we would have no authority to hold a preferred lien for these checks on State banks when one fails. We have no control over the State banks.

Mr. FITZGERALD. Under this bill if a certified check upon a State bank or trust company was refused payment, it would not constitute a payment of the customs duties at all, and the importer would still be liable.

Mr. MANN. The bill contains a provision which I suppose was considered necessary, that upon the failure of the bank those checks should have priority of payment, and this we can not extend to the State banks.

Mr. HILL. Mr. Speaker, if the gentleman will yield to me, I suppose the reason, the real reason, why the Treasury Department confines this to national banks is because the national banks of the country are under a uniform charter throughout the United States. Collectors of internal revenue under the regulations of the Treasury Department now receive checks on State banks or national banks, but they do so with State banks on their own individual responsibility by the consent of the department, but not by law. Now, with State banks in almost every State in the Union the conditions under which they are chartered are entirely different. Trust companies are in a still worse situation so far as variation in their responsibility to the Government is concerned, as to their reserves, as to the amount of money that they are required to keep on hand; all their conditions of banking are different. Forty-five different conditions, you may say.

If the regulations throughout the United States were such that they were required to carry the same reserve as national banks, if they were not permitted to loan on long time and on real estate, which the national-bank law forbids, if they were conducted on purely a commercial system of banking, it might be well; but they are under a broader, a wider, a much larger system of banking than national banks are. It might well be permitted in many cases, but in many cases it might be dangerous.

Mr. FITZGERALD. The gentleman is going far—

Mr. HILL. You have to go far to cover all of the State banks and trust companies in the whole country, including Porto Rico, Alaska, Hawaii, and the Philippines.

Mr. FITZGERALD. But the gentleman is mistaken. The collectors of internal revenue are permitted in their districts—

Mr. HILL. And they are individually responsible.

Mr. FITZGERALD. Just let me make a statement now. They are permitted to accept these certified checks on State banks and trust companies. Under the banking laws of all the States, as far as I am informed, the acceptance of a certified check in payment of a debt is the discharge of the debtor, and recourse must be had against the bank for collection. If the bank fails the collector of internal revenue must make good under his bond to the amount he has collected; but this bill changes the law entirely regarding the effect of accepting certified checks. It provides that the giving of a certified check will not be considered as the payment of an obligation, and therefore the payment the gentleman speaks about is completely eliminated. If the check be not paid, the persons originally liable for taxes or customs or internal revenue are still liable.

Mr. HILL. Under the terms of this bill if a collector of customs accepts a certified check he is relieved from responsibility. Under the old law and under the present system if the collector of internal revenue accepts a check his responsibility continues. There is all the difference in the world.

Mr. FITZGERALD. The gentleman is mistaken. The bill specifically provides that no person who may be indebted to the United States on account of duties, or imports, or internal-revenue taxes, or shall have tendered a certified check or checks as provisional payment for such taxes or duties, in accordance with the terms of this act, shall be relieved.

Mr. HILL. Yes; but it does not include the collector. It releases him.

Mr. FITZGERALD. It says he shall be relieved from the obligation to make ultimate payment thereof until such certified check so received shall be duly paid.



Mr. HILL. But it does not include the collector. The collector under this is released when he accepts a certified check, and the Government has a right to designate what the character of the certified check is to be.

Mr. FITZGERALD. Mr. Speaker, I am somewhat familiar with conditions affecting the banking business, at least in the city of New York—

Mr. HILL. Certainly.

Mr. FITZGERALD. And the giving of such a right to certified checks of national banks, and not to State banks and trust companies, would be to work a gross injustice to institutions created by the State itself. Such a bill can not pass here by unanimous consent, with that discrimination in it. The national banks to-day are given sufficient aid and assistance and advantage over State institutions already without having such additional advantages.

Mr. UNDERWOOD. I would like to ask the gentleman from Connecticut whether the provision in the bill which I objected to before the committee, the part of the bill that provided that these checks could be received and must be received, and that there was no power to compel the importer to pay gold, if the Treasury Department elected to call for gold, is still in the bill.

Mr. HILL. The law, as I understand it, still makes it discretionary with the Secretary of the Treasury to demand gold when he sees fit. This accommodation to the business world and the United States will be lawful under such regulations as the Treasury Department may make. It is a concession to business convenience. Now, it would be very cruel to say that the business men, not only in New York, but San Francisco and New Orleans, and all customs ports, should not be allowed to tender certified checks to collectors allowed to receive them.

As I said a moment ago, as it stands to-day, a collector of internal revenue can receive them, but he receives them on his own personal responsibility, and his responsibility extends clear up to the final payment. The Government says, "We will let up on that so far as this: We will accept certified checks on the national banks over which we have control, and release the collector from the responsibility and look to the national banks; and if it is not paid we will have a first lien on their assets, and if it is not paid then we will go back to the importer of the goods and make him pay." In other words, the Government proposes to be perfectly safe. So far as State banks are concerned, if they were in the same condition there would not be any objection to it. So far as payment of gold is concerned, which the gentleman asks about, it is entirely within the power of the Secretary of the Treasury to suspend this proposition and require payment of gold just as he can require it now under the law, but does not do it.

Mr. HARRISON. Does not the gentleman from Connecticut think that is an added danger? Suppose at a time when gold exports are taking place the collector of customs in New York should suddenly suspend the privilege of paying customs duties by certified checks and require payments in gold.

Mr. HILL. He has the right to do it now. As the gentleman knows, the obligations of the United States Government are payable by law, the interest and principal of its bonds, in terms of gold, and to take away from the Government the right to demand gold and compel them to pay it would be a travesty on the legislation.

Mr. HARRISON. It would be much better for the business community not to put it in the power of the collector of customs to cause a corner in the gold market and bring about a stringency.

Mr. HILL. There has been a settled rule of exchangeability of all forms of money since 1890, and there never has been a break, but in the case of the very condition which the gentleman names the Government should have authority to demand gold.

Mr. HARRISON. So it should.

Mr. HILL. So it should, and it is given it under this bill. It is a matter of convenience to the business community, and there is not an importer in New York or Brooklyn but would hail with glee the passage of this bill as a matter of convenience and economy, and so in every city where there is a customhouse.

Mr. UNDERWOOD. If the gentleman will yield, I want to make this statement: I have no objection to the customhouse officers receiving a certified check from a bank in payment of customs duties when it is left optional and entirely optional with the customhouse and Treasury officials to determine when they will take a check and when they will not.

Mr. HILL. That is all this bill does.

Mr. UNDERWOOD. But the bill, in section 2, has this provision:

SEC. 2. That it shall be lawful at all times for duties on imports and for internal taxes to be paid in gold and silver coin, gold certificates, silver certificates, United States notes, and notes of national banks.

That goes very much further than the provision in reference to receiving certified checks. It changes the fundamental law of the country.

Mr. HILL. But let me call the gentleman's attention to the fact that this is the very thing which the gentleman from New York insisted should not be done. So you gentlemen do not agree.

Mr. UNDERWOOD. I am not trying this on the position of the gentleman from New York.

Mr. McCALL. Is not what the gentleman has just read as changing the fundamental law of the country in the law of the country now? Is not that the exact provision of the law to-day?

Mr. UNDERWOOD. The gentleman contends it is by interpretation. I understand the gentleman contends that under the recent law the Treasury Department is required to cash all classes of money in gold. I doubt whether that is the correct interpretation. I want to say that the bonds and securities of the United States are payable in gold, and the only way the Government can get gold to-day is to require the importers to pay it at the customhouse or sell bonds.

Mr. HILL. That is right.

Mr. UNDERWOOD. Now, I am not willing to say that the Government of the United States shall be forced to sell bonds of the United States alone when the imported goods in the country can be required to pay it in gold. I can not consent to the bill going through.

Mr. HILL. The proposition does not change the power of the Secretary of the Treasury, except to enable him to broaden the scope and make it lawful for business men in any customhouse port in this country to send a certified check in lieu of gold, or any of these forms of money, except that it includes the notes of national banks to be receivable for customs and internal taxes.

Mr. UNDERWOOD. I do not understand the bill in that way. As far as the certified check is concerned I have no objection, but I do object to clause 2, and without the gentleman is willing to strike out clause 2, I shall be compelled to object, because I say it weakens the power of this Government to meet its securities payable in gold.

Mr. STAFFORD. Mr. Speaker, I would like to ask the gentleman if he strikes out clause 2, if it would not be necessary to strike out section 3, the repealing clause. I would like to call his attention to the existing law as to the character of coin or currency in which duties now should be paid. Section 3009 of the Revised Statutes is as follows:

SEC. 3009. All duties upon imports shall be collected in ready money, and shall be paid in coin (or coin certificates) or in United States notes, payable on demand, authorized to be issued prior to the 25th day of February, 1862, and by law receivable in payment of public dues.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. UNDERWOOD. I object.

#### POCATELLO NATIONAL FOREST RESERVE.

The next business was the bill (S. 9566) to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest Reserve.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described lands, to wit, sections 3, 4, 5, 6, 7, 8, and 9, township 9 south, range 35; section 22, township 8 south, range 34; and section 1, township 9 south, range 34, all in Bannock and Oneida Counties, Idaho, be, and the same are hereby, reserved and withdrawn from entry and made a part of and included in the Pocatello National Forest Reserve.

The SPEAKER pro tempore. Is there objection?

Mr. FITZGERALD. Reserving the right to object, I desire to know how many acres there are in the forest reserves now in Idaho.

Mr. HAMER. Mr. Speaker, we have about 50 per cent of the surface area of Idaho in forest reserves at the present time, but the reservation proposed by the bill now under consideration is absolutely necessary to preserve the purity of the water supply of the city of Pocatello.

Mr. FITZGERALD. Fifty per cent of the State of Idaho is now in forest reserves?

Mr. HAMER. Yes.

Mr. FITZGERALD. The gentleman and other representatives in another body have been condemning everybody connected with the Federal administration for the policy of creating forest reserves in his State, has he not?

Mr. HAMER. In that event, the gentleman certainly ought not to object when I ask for additional area to be included in

the forest reserves. It may be an indication of reformation on my own part.

Mr. FITZGERALD. In view of the gentleman's own statements in the past, unless he can give a very conclusive reason for adding to the already great burdens of the people of his State in this way, I will be compelled to protect them, even if he is not likely to do so.

Mr. HAMER. The best reason that I can give, Mr. Speaker, is that the inclusion of these lands in forest reserves is absolutely necessary for the protection of the water supply of the city of Pocatello, as the gentleman will find from reading the report of the Forester, who approves of this legislation.

Mr. PARSONS. Is this timbered land?

Mr. HAMER. Part of it is and part is not.

Mr. PARSONS. None of it heavily timbered?

Mr. HAMER. No.

Mr. PARSONS. But this is a living instance of where the people do want some land to go into the National forest reserve of the State of Idaho, even though it is not heavily timbered?

Mr. HAMER. Yes.

Mr. PARSONS. And some of it not timbered land?

Mr. HAMER. Yes; this is one of the isolated cases.

Mr. FITZGERALD. What about the homestead rights that have been acquired on this land?

Mr. HAMER. They will not be interfered with in any way.

Mr. FITZGERALD. Will the gentleman agree never again to criticize the creation of forest reserves in his State, if this bill goes through by unanimous consent? [Laughter.]

Mr. HAMER. I can not take such a solemn obligation at this time. [Laughter.]

Mr. FITZGERALD. This is about the only timbered land in the State of Idaho, is it not—these 5,000 acres?

Mr. HAMER. No, indeed.

Mr. FITZGERALD. Has not the complaint of the gentleman been that the administration has not been segregating forest land, but segregating large tracts of land without any timber, under the pretense that they were required to create forests in the future?

Mr. HAMER. Yes; that has been the criticism out there to some extent, but it is not the criticism in this particular case, and, so far as the people of Idaho are concerned, there is no criticism.

Mr. FITZGERALD. Reading this report, the inference is quite reasonable that this is one of the best pieces of timber land in the State of Idaho. Is not that a fact?

Mr. HAMER. No. The gentleman is evidently not familiar with the timber of Idaho.

Mr. FITZGERALD. I will read what the report says, if the gentleman denies that statement:

The topography of this area is high, rolling land, with an altitude of from 6,000 to 8,000 feet. The forest is chiefly of the red fir type and embraces 1,500 acres of timber, which has an average stand of 3,000 feet to the acre—

Mr. HAMER. Yes; that is not heavy timber.

Mr. FITZGERALD (continuing)—

making approximately 4,500,000 feet b. m. in the proposed addition.

Is not that one of the best timbered sections of the State?

Mr. HAMER. Four million five hundred thousand feet would not be a very important timber acquisition.

Mr. FITZGERALD. In spite of the fact that 50 per cent of the gentleman's State has been included in the forest reserves, he is anxious to have this included?

Mr. HAMER. Under the circumstances, I am very anxious to have this included in the Pocatello Reserve.

Mr. MANN. It would be worth its passage to hold it up against him hereafter. [Laughter.]

Mr. FITZGERALD. Mr. Speaker, in view of the peculiar circumstances and the fact that the gentleman from Idaho not only approves but is attempting to include in the forest reserves in the State of Idaho lands never even contemplated by the administration, I will not object.

Mr. PARSONS. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Idaho whether this protects the water supply of the city of Pocatello.

Mr. HAMER. Yes; that is the purpose and desire.

Mr. PARSONS. They are dependent upon the forest reserve for protecting their water supply.

Mr. HAMER. Well, in part, they are. Their water supply undoubtedly rises up in these mountains there and it is necessary to protect it from sheep and other forms of contamination.

Mr. PARSONS. And if this gets into the national forest the administration of the forest will be such that the water supply of the city of Pocatello will be protected.

Mr. HAMER. That is the hope and expectation.

Mr. PARSONS. And the people there are confident it will be so.

Mr. HAMER. The people evidently desire this acquisition at this time in the hope that it will preserve from contamination their water supply.

Mr. MANN. If it had not been for a recent act of Congress or a provision in a recent act of Congress, which was inserted at the request of certain gentlemen from Idaho, there would be no necessity for this bill, I believe. The Government before that had the authority to make these reserves without any act of Congress.

Mr. HAMER. We would prefer, I will state to the gentleman from Illinois, at all times to have something to say as to what particular territory shall be included in these forest reserves, believing that perhaps the citizens of my State and the residents within its borders are abundantly able to determine what should be included in a forest reserve—more able, perhaps, than some people, say, from New York.

Mr. PARSONS. Mr. Speaker, I do not object.

Mr. MANN. Had it not been for recent legislation, which I will not say the gentleman from Idaho urged unless he desires to say so himself, but certain gentlemen from that part of the country urged, there would be no necessity for this legislation, and he would have no difficulty in providing what he is now seeking and in a way which he probably will not accomplish. However, this is a Senate bill—even the Senate retracts here what they said before.

Mr. FITZGERALD. The real effect of this bill is to saddle on the Federal Government the cost of preventing the water supply of this city in Idaho from being contaminated.

Mr. HAMER. Oh, no; I do not think that is the effect of the bill.

Mr. FITZGERALD. What other excuse is there?

Mr. HAMER. Will the gentleman from New York tell the House how it would be possible for the people of Pocatello to institute any regulations to prevent the contamination of this watershed by sheep when it is public land? The people of Pocatello are absolutely helpless so far as protection on this particular piece of ground is concerned, because it is largely public land. Of course there is some settlement on the public lands, but no part of it is in the corporation limits of the city of Pocatello. The only way it can be protected from contamination is by extending some Government regulations to the area in question.

Mr. FITZGERALD. Did it occur to the gentleman that perhaps his State could purchase this land through some law from the Federal Government? The State of New York purchased its forest reserve and watershed from private individuals.

Mr. HAMER. But the city of New York is a wealthy city and one of the oldest in the Nation, whereas Idaho is a young State.

Mr. FITZGERALD. It is not only wealthy but has the willingness to pay for the things it desires and does not come to the Federal Government for them.

Mr. HAMER. Of course it would be possible, and I would cheerfully agree, for the people of New York to take up a collection and present it to us, and we will accept it as a monument—

Mr. FITZGERALD. Is the gentleman inclined to accept the amendment suggested by the Secretary of the Interior?

Mr. HAMER. I propose to offer an amendment. It is to strike out the word "Reserve."

The SPEAKER pro tempore. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

Mr. HAMER. Mr. Speaker, I move to amend by striking out the last word in line 10, so as to read "Pocatello National Forest" instead of "Pocatello National Forest Reserve."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Line 10, strike out the word "Reserve."

Mr. MONDELL. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. Is there objection to the amendment? Does the gentleman from Wyoming [Mr. MONDELL] offer an amendment to the amendment?

Mr. MONDELL. I offer an amendment striking out the word "is."

The SPEAKER pro tempore. That is a separate amendment. The question is, first, on the amendment offered by the gentleman from Idaho [Mr. HAMER].

The question was taken, and the amendment was agreed to.

Mr. MONDELL. I offer an amendment to strike out the word "is," in line 8, and insert the word "are."



The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Line 8, strike out "is" and insert in lieu thereof the word "are," so as to read "the same are hereby."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. MONDELL. Mr. Speaker, a moment on my amendment. There has been considerable said about this legislation, as if there were something extraordinary about it. Gentlemen have expressed surprise that the American people, or any portion of them, should prefer to have Congress legislate rather than to have a bureaucratic organization—an executive official somewhere, the fourth secretary of somebody—conduct their affairs. It seems to me it is not extraordinary that people living under a free government in an American Commonwealth should prefer to have the legislative body of the United States legislate for them rather than to have their affairs looked after and conducted by a bureau somewhere. So much for that.

Gentlemen have suggested that it is remarkable that a request should be made for the inclusion of this sort of land in a forest reserve. The law providing for forest reserves provides for the inclusion of lands timbered and necessary for the protection of water supplies, so that these lands are clearly within the purview of the forest-reserve law and therefore properly brought within the reserve. And my opinion is that this is the wise, proper, and reasonable way to add to reservations in the States.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. I will be glad to do so.

Mr. MANN. This bill was reported from the gentleman's committee, I believe.

Mr. MONDELL. It was.

Mr. MANN. I understood the gentleman from Idaho [Mr. HAMER] to state that the purpose of this bill was to keep sheep off this land in order to protect the water supply for the city of Pocatello.

Mr. HAMER. That is one of the purposes.

Mr. MONDELL. One of the ways in which the water supply is preserved and protected is by preventing overgrazing, and the keeping of sheep off this particular territory would, I presume, in the opinion of the people interested, prevent the contamination of the water.

Mr. MANN. The gentleman knows that this proposition means that at the expense of the Government this piece of land is to be maintained from overgrazing and in order to furnish a water supply at Pocatello, not at the expense of the city of Pocatello, but at the expense of the Federal Government.

Mr. MONDELL. But the gentlemen who have been favorable to the inclusion in reserves of hundreds of millions of acres have considerable to say about a suggestion to include in a reserve 5,000 acres of timbered land.

Mr. MANN. But we have not objected to the consideration of the bill, nor do we object to the passage of the bill; but we take some exception to some of the reasons given by the gentleman for now coming up and proposing to revoke a law that a few years ago he was ardently seeking to have passed.

Mr. MONDELL. None of the gentlemen are proposing to revoke that law, but they think that the proper and orderly way to arrange these matters is to have the Congress of the United States legislate in regard to them.

Mr. PARSONS. And that it is proper to put the lands in a national forest so that the water supply of the city can be properly protected?

Mr. MONDELL. The forestry law, the law of the land, provides for the inclusion of lands protecting water supplies within a forest reserve. And therefore they may properly be placed in a reserve.

A gentleman, the other day, suggested we should include the lands in a reserve that were not timbered and not needed for the protection of water supply. Of course they could not be placed in a reserve legally.

Mr. PARSONS. That is not what the gentleman said. What the gentleman said and pointed out in connection with this bill was that there were a number of bills pending—

The SPEAKER pro tempore. Does the gentleman from New York wish to be heard in opposition to the amendment?

Mr. PARSONS. I wish to point out that there are a number of bills pending to take lands out of the national forest and give them to cities that want a water supply, whereas the forestry service has a system by which, if lands are left in the national forest, it administers them in such a way that they can be properly forested, and such lands as are proper for grazing can be grazed and the water supply be protected without trans-

ferring the title to the city and giving the city the right to cut all the timber, which it would have if it got the title.

Mr. MONDELL. The gentleman from New York is not quite accurate. This inclusion of land in the forest reserve is helpful and beneficial to a certain extent, but in cities of any size they prefer to own their own watershed and take care of it, and in doing so there can be no question but that the Government is relieved from any responsibility to protect the water supply.

Mr. PARSONS. Is not the water supply in Portland, Oreg., in a national forest?

Mr. MONDELL. The water supply of a good many cities is, to a greater or less extent, in national forests, but cities generally prefer to buy the land.

Mr. HUGHES of New Jersey. Mr. Speaker, if the gentleman will permit me, as I gather, the gentleman from Wyoming, and certain other gentlemen on that side, are of the opinion that national forest reserves should not be created except when the gentlemen in the immediate vicinity want them created. Is not that correct?

Mr. MONDELL. No; I have not taken exactly that position. I think no forest reserve should be created except under and within the law, and I do think that the people in the locality should be consulted in all cases.

Mr. FITZGERALD. Has the Department of the Interior the authority under existing law to include this particular land?

Mr. MONDELL. No; there is a general law prohibiting the increase of the area of reserves in particular States.

Mr. FITZGERALD. Idaho is included in those States?

Mr. MANN. Yes; by an act passed in 1907.

Mr. FITZGERALD. The ink on the act is hardly dry before Idaho itself tries to repeal it and wants it increased.

Mr. MONDELL. Well, three years is quite a time.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. HAMER. Mr. Speaker, I move to strike out the last word in the title.

The amendment was agreed to.

#### EXTENSION OF EXTRADITION LAWS.

The next business on the Unanimous Consent Calendar was the bill (H. R. 24746) to extend the extradition laws of the United States to China.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the provisions of sections 5270 to 5277, inclusive, of the Revised Statutes of the United States, with amendments thereto, shall apply to the jurisdiction of the United States in China for the arrest and removal therefrom of any citizen of the United States who is a fugitive from justice charged with or convicted of the commission within the jurisdiction of any foreign government or power of any of the crimes provided for by the treaties between the United States and such foreign government or power, and for the delivery by a foreign government of any citizen of the United States charged with or convicted of crime within the jurisdiction of the United States in China: *Provided,* That the provisions of this section shall not be effective as regards any foreign government until the President of the United States shall have been duly informed that the foreign government to which it is proposed to extradite a citizen of the United States has made adequate provision for reciprocal extradition of citizens of the United States seeking asylum therein to the jurisdiction of the United States in China: *And provided further,* That the President shall have made proclamation that provision has been made for such reciprocal right of extradition by the foreign government in question, and that the provisions of this section are therefore in force as regards such foreign government.

Such fugitive from the justice of a foreign government aforesaid may, upon a warrant duly issued by an official of the United States in China vested with judicial authority, and agreeably to the usual mode of process against offenders therein, be arrested and brought before such official, who shall proceed in the matter in accordance with the provisions of the Revised Statutes hereby made applicable to the jurisdiction of the United States in China.

For the purposes of this section, the order or warrant for delivery of a person committed for extradition prescribed by section 5272 of the Revised Statutes of the United States shall be issued by the minister of the United States to China, or in his absence the chargé d'affaires, under his hand and seal of office, and not by the Secretary of State.

Such fugitive must be delivered within two calendar months to the authority making the request for a surrender, unless causes have arisen which are sufficient, in the opinion of the authority competent to make the surrender, to justify the extension of the period of commitment for surrender; but such extension shall in no case exceed an additional period of four months.

Sec. 2. That the provisions of section 1014 of the Revised Statutes of the United States, so far as applicable, shall apply throughout the United States or to any territory or country governed, occupied, or controlled by the United States, for the arrest and removal therefrom to the jurisdiction of the United States court in China of any citizen of the United States who is a fugitive from justice charged with the commission of any crime or offense against the United States within the jurisdiction of the United States in China, and shall apply within the jurisdiction of the United States in China for the arrest and removal therefrom to the United States, or to any territory or country gov-

erned, occupied, or controlled by the United States, of any citizen of the United States who is a fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any official of the United States in China vested with judicial authority and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned or admitted to bail, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the United States court for China seasonably to issue, and of the officer or agent of the United States designated for the purpose to execute.

SEC. 3. That the provisions of sections 5278 and 5279 of the Revised Statutes of the United States, so far as applicable, shall apply to the jurisdiction of the United States in China, which, for the purposes of said sections, shall be deemed a territory within the meaning thereof: *Provided*, That for the purpose of this section the executive authority of the jurisdiction of the United States in China shall be the minister of the United States to China, or in his absence the chargé d'affaires: *And provided further*, That the provisions of this paragraph shall apply only to citizens of the United States.

SEC. 4. That the provisions of sections 5270 to 5277, inclusive, of the Revised Statutes of the United States, with amendments thereto, shall be extended so as to include within the terms and meaning thereof the extraterritorial jurisdiction in China of any foreign government with which the United States has concluded or may conclude an extradition treaty for the arrest and removal thereto of persons who, being citizens or subjects of such government and having been convicted of or charged with any of the crimes specified in the extradition treaty existing between such foreign government and the United States committed within the extraterritorial jurisdiction of such foreign government in China, shall seek an asylum or be found within the jurisdiction of the United States or within any territory or country governed, occupied, or controlled by the United States, and for the delivery by such foreign government of its citizens or subjects who have been convicted of or charged with any of the crimes specified in the extradition treaty existing between such foreign government and the United States, committed within the jurisdiction of the United States or within any territory or country governed, occupied, or controlled by the United States, who shall seek asylum or be found within the extraterritorial jurisdiction of such foreign government in China: *Provided*, That the provisions of this section shall not be effective as regards any foreign government until the President of the United States shall have been duly informed that the foreign government to which it is proposed to extradite the citizens or subjects of such foreign government has made adequate provision for reciprocal extradition of citizens or subjects of such foreign government seeking asylum therein to the jurisdiction of the United States in China: *And provided further*, That the President shall have made proclamation that provision has been made for such reciprocal right of extradition by the foreign government in question and that the provisions of this section are therefore in force as regards such foreign government.

SEC. 5. That when, under sections 2 and 3 of this law, it is desired to obtain the provisional arrest and detention of a fugitive in advance of the presentation of formal proofs, such detention may be obtained by telegraph upon the request of the authority competent to request the surrender of such fugitive, addressed to the authority competent to grant such surrender: *Provided*, That such request for provisional arrest and detention be accompanied by an express statement that a warrant for the fugitive's arrest has been issued within the jurisdiction of the authority preferring such request charging the fugitive with the commission of the crime for which his extradition is sought to be obtained: *And provided further*, That the expenses of detaining a fugitive upon telegraphic request shall be borne as provided for in sections 5278 and 1014 of the Revised Statutes: *And provided further*, That no person shall be held in custody under telegraphic request by virtue of the provisions of this section for more than 90 days.

SEC. 6. That the provisions of sections 5409 and 5410 of the Revised Statutes of the United States are hereby made applicable to proceedings in extradition instituted in accordance with the provisions of this act.

SEC. 7. That the terms "citizen of the United States" and "citizens of the United States" used in this act shall for the purposes of this act include any person or persons whose permanent allegiance is due to the United States.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HARRISON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. This is an extension of the extraterritorial powers of the United States in China?

Mr. DENBY. It is to extend the extradition laws in China.

Mr. HARRISON. And trust the execution of them to the extraterritorial courts in China?

Mr. DENBY. Yes.

Mr. HARRISON. Does the gentleman think the House of Representatives has the right to originate any legislation in the nature of a treaty?

Mr. DENBY. This is not a treaty.

Mr. HARRISON. What powers have we to enforce it?

Mr. DENBY. We have the same power to enforce this as we have to enforce the powers of the United States court now existing in China. It is a mere extension of the power of the United States court and other officials in China.

Mr. HARRISON. It is the power of might. Is not that all?

Mr. DENBY. There is no extradition treaty with China. It is the power by acquiescence of the Chinese Government.

Mr. HARRISON. Do they acquiesce or have they been consulted at all?

Mr. DENBY. Yes; they acquiesce, because they have acquiesced in similar exercise of power by other Governments, of this same character.

Mr. HARRISON. The gentleman does not know whether they would regard this as an unfriendly act?

Mr. DENBY. I know as a matter of moral certainty that they would regard it as a highly friendly act on the contrary.

Mr. HARRISON. Do we have these extradition rights in other extraterritorial countries?

Mr. DENBY. We have the general exercise of power of extradition as a matter of international comity, simply asking the country in which we exercise extraterritorial jurisdiction to render up a fugitive as a courtesy.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I would like to ask the gentleman from Michigan whether we have any extradition treaty at present covering the powers in this bill.

Mr. DENBY. No; we have no extradition treaty at all with China; and that has occasioned great embarrassment which makes this bill necessary, because we can not secure the person of a fugitive who commits a crime in China and goes to the United States, and we can not secure the person of a fugitive who commits a crime in the United States and goes to China.

Mr. STAFFORD. What prevents our Government entering into an extradition treaty with China covering these powers?

Mr. DENBY. The fact that we do not concede to China the right to lay a finger on an American citizen, and therefore we could not ask China as a matter merely for our interest to promise to secure the person of American citizens and send them back to the United States. We reserve wholly the power to touch our own citizens in China, and that is inconsistent with negotiation of an extradition treaty.

Mr. STAFFORD. This bill extends to others than American citizens?

Mr. DENBY. Yes.

Mr. STAFFORD. To foreign citizens who have committed crimes in this country and take refuge in China, and to those who have committed crimes in China and who take refuge in the United States?

Mr. DENBY. Yes.

Mr. STAFFORD. As to those classes there is nothing that would prevent our Government entering into an extradition treaty with China.

Mr. DENBY. As to those classes, we do not need the extradition treaty with China. We do, however, have an agreement with foreign powers that they will reciprocate the privileges which we extend to them in this law, and the law specially provides that it is not to be operative until the foreign powers guarantee to us the same privilege that we grant to them here.

Mr. STAFFORD. Is there any other instance where the Government exercises extraterritorial powers as are proposed to be exercised by this bill?

Mr. DENBY. The Government exercises extraterritorial powers in Morocco, and it did in Korea until Korea became a possession of Japan, and it does in Turkey and in Persia and in Siam and a modified power in Egypt. That is, we have a court in Egypt, but in all the oriental countries, practically speaking, we exercise the extraterritorial power, and none of them may punish or lay a finger upon an American citizen. The result is that a crime is committed and the citizen flies to China and he can not be punished. We have had some very striking examples of the necessity for this legislation. A murder was committed in Hongkong, under the British Government, and the man fled to China, an American citizen killing an American citizen. We had no right to touch him. The British Government made demand on us, but we could not touch him. We did eventually secure the person of the murderer in Manila, and then the extradition laws of the United States with Great Britain became operative and we surrendered him from Manila, but if he had remained in China he would have remained at large, a menace to the community.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. HUGHES of New Jersey. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether this language on page 2, beginning with the words "such fugitives," to the end of the section, contemplates the trial of the fugitives before the officer.

Mr. DENBY. I did not catch the gentleman's question; will he kindly repeat it?

Mr. HUGHES of New Jersey. On page 2, beginning with the words "such fugitives," line 16, which prescribes some form of procedure before the United States representative in China, I would ask the gentleman whether that procedure contemplates the trial of the offender before the officer, or what does the following language mean?

Mr. DENBY. It contemplates an investigation of the question before the district judge in China, the United States judge in China.



Mr. HUGHES of New Jersey. There is no chance for the judge to try a man for his life?

Mr. DENBY. There is a chance in China, but not under this act. Of course the judge in China has full authority and jurisdiction over American citizens and may try them for their lives, and they have been so tried; that is, for a crime committed within the jurisdiction of his court.

Mr. HUGHES of New Jersey. But not a fugitive from this country?

Mr. DENBY. No; he can only try, as in this country, the question of extraditability.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### SALE OF BURNT TIMBER ON THE PUBLIC LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 9957) to authorize the sale of burnt timber on the public lands, and for other purposes.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to sell and dispose of to the highest bidder, at public auction or through sealed bids, timber on lands of the United States, outside of national forests, that may have been killed or damaged by forest fires prior to December 1, 1910, the proceeds of the sale of such timber on lands within the States and Territories named in section 1 of the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, shall be deposited in and form a part of the "reclamation fund" described in said section, and the proceeds of such timber on lands in other States and Territories than those named in said section shall pass into and form a part of the general funds of the Treasury.

SEC. 2. That the Secretary of the Interior, under regulations to be prescribed by him, is hereby authorized, upon application by the claimant, to sell or permit the sale of timber killed or damaged by forest fires prior to December 1, 1910, on any lands of the United States embraced within any lawful filing, selection, location, entry, or appropriation substituting on the 1st day of December, 1910: *Provided*, That timber on such lands within the exterior boundaries of national forests shall be disposed of under joint regulations prescribed by the Secretary of Agriculture and Secretary of the Interior. All moneys arising from sales of timber in accordance with such regulations and coming into the hands of officers or agents of the United States shall be deposited in the Treasury of the United States as a special fund, to be designated the "Burnt timber fund."

SEC. 3. Any settler or entryman under the homestead laws who has complied with the laws and regulations prior to the time of the fire, and who at the date of application for the sale has not abandoned his claim, shall be paid an amount which shall bear the same proportion to the total amount received from the sale of timber from his claim which his residence on the land bears to the total residence required by law, such payment to be made by the Secretary of the Treasury from the special fund provided for in section 2 upon the certificate of the Secretary of the Interior that such settler or entryman is entitled thereto: *Provided*, That the remainder of the amount received from the sale of timber on his claim shall be paid to such settler or entryman from such special fund by the Secretary of the Treasury whenever the Secretary of the Interior shall certify that such settler or entryman has established his right to a patent for the land from which such timber was sold.

SEC. 4. Whenever the Secretary of the Interior shall certify to the Secretary of the Treasury that a right to a patent for the tract from which the timber has been sold under the provisions of this act has been established by any claimant or entryman under any of the public land laws other than the homestead laws, then the Secretary of the Treasury shall pay to such claimant or entryman, from the special fund provided for in section 2, the amount arising from the sale of such timber.

SEC. 5. Whenever any filing, selection, location, entry, or appropriation shall be canceled because of failure of claimant to perfect title in accordance with the provisions of law governing the same, the proceeds from the sale of timber on such claim shall, if upon lands in a national forest, be disposed of as proceeds from other sales of timber within national forests, and, if upon public lands within the States and Territories named in section 1 of the act entitled "An act to appropriate receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, shall be deposited in and form a part of the "reclamation fund" described in said section, and if upon other public lands the proceeds shall pass into and form a part of the general funds of the Treasury.

The committee amendments were read, as follows:

After the comma after the word "forests," in line 7, page 1, insert: "not covered by a valid subsisting selection or entry made prior to December 1, 1910."

After the word "or," at the end of line 7, insert "seriously."

In section 2 strike out the words "sell or" in line 7.

In line 8, after the word "or," insert "seriously."

Strike out the following words in lines 10 and 11: "lawful filing, selection, location, entry, or appropriation subsisting on," and insert in lieu thereof the following words: "valid subsisting selection or entry made prior to."

Strike out all of lines 16, 17, 18, 19, and 20, page 2.

Strike out all of sections 3, 4, and 5.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. MARTIN of South Dakota. Mr. Speaker, reserving the right to object—

Mr. FITZGERALD. Mr. Speaker, reserving the right to object—

Mr. MANN. So do I.

Mr. MARTIN of South Dakota. Mr. Speaker, I would ask the gentleman from Wyoming—I notice that this bill provides for the sale of burnt timber in cases where timber was burnt prior to a certain date, December 1, 1910. Of course I am aware that timber fires in the West, particularly the far West, were more numerous and extensive in the last year than usual. I would like to suggest to the gentleman whether the same considerations that would make this bill desirable would not suggest that the law be made general, and that these limitations in the bill to a certain date, December 1, 1910, should be by amendment stricken out.

Mr. MONDELL. I will say to the gentleman that I think he realizes the danger of the suggestion that he makes. If everybody was honest, if everybody proceeded always in good faith, it would be perfectly safe to provide for the sale of timber fire killed hereafter, but it is not wise to tempt men to set fires; the committee has often considered that particular question, and the members of the committee have always felt that it was dangerous to tempt men to cause forest fires by providing generally for the sale of fire-killed timber.

Mr. MARTIN of South Dakota. Of course in practical experience there is not a season which passes but that there are forest fires more or less extensive, and under the administration of that question, the timber in many instances, in fact, in most instances, is allowed to entirely rot and become of no value, whereas if there were the authority to dispose of it in a proper way it would be a great saving. At the same time I appreciate the force of the gentleman's suggestion and would not object to the consideration of this bill because of that limitation. Now I would ask a further question. Upon page 1, the amendment inserted by the committee limits the authority of the Secretary of the Interior to lands not covered by valid subsisting location and entry, and very properly, I think. Upon page 2, in section 2, provision is made, notwithstanding, that the Secretary in case where fires have taken place upon valid entries, may permit the sale of timber upon such entries, a provision which I think is very wise; but the gentleman will notice whereas in the first section the word "location" is inserted, in the second section where it gives authority to the Secretary to give permission, the word "location" is left out. I think the word "location" should be inserted after the word "selection" in section 2.

Mr. MONDELL. I will say to the gentleman that the use of the word "location," in line 8, page 1, is an error made in transcribing the amendment. The words should have been "selection" or "entry." Those are the words that we use in section 2.

Mr. MARTIN of South Dakota. What is intended to be covered by the word "selection?"

Mr. MONDELL. A valid selection by a State under a grant or a selection in lieu of other lands, which give the selector a right to the property, and is in the nature of an entry whenever full compliance with the law has been had.

Mr. MARTIN of South Dakota. I think the word "location," in the first section, should remain there, and also be inserted in the second section. As the gentleman well knows, the preliminary title that is held to the homestead is expressed by the word "entry," and when we speak of a homestead entry we speak of lands that the title has been initiated, but not passed to final proof or patent. The preliminary title to a mining claim is expressed by the word "location." There is the same reason for authority in the Secretary of the Interior to make the sale of timber upon mineral lands not covered by valid mining locations and permit the sale in cases covered by valid mining locations that would apply to agricultural lands when covered by an invalid in one instance and a valid homestead entry in the second instance.

I know of cases now where fires have gone over the forest where valid mining locations existed. Under the law the mining locator is expected, until he obtains his patent, not to cut his timber except for the purpose of timbering his mine. When he gets his patent he has complete control over the timber and everything else. I know instances where fire has gone over valid mining claims—

Mr. MONDELL. If the gentleman will allow me, we all agree—

Mr. MARTIN of South Dakota (continuing). And the controversy arises right away as to the authority to permit the sale of the timber thus damaged by fire, or whether it must stay there unused till perhaps it is of no value.

Mr. MONDELL. Now, I want to say to the gentleman that there is not any question about the provision of the bill, providing it is amended as I suggest, in regard to the matter he refers to. It was not the intention of the committee to author-

ize the owner of a mining location to secure the right to cut the dead timber on his location, under section 2.

I desire to call the gentleman's attention to the fact that we are now acting upon a Senate bill. And the thought of the committee was to carry out the desire of the Interior Department with regard to the matters involved and to meet the views of the other branch of Congress so far as we could, and at the same time get legislation that would be fair and reasonable. The bill as it came to us provided that the Secretary of the Interior could only cut timber from land entirely free from all sorts of entries, locations, filings, and appropriations. In other words, under the legislation as it came to us from the Senate the Secretary could only cut timber, or allow timber to be cut, on unentered, unclaimed public lands on which no sort of a claim had been made.

Then, section 2 of the Senate bill provided that the Secretary could, however, provide for the cutting of timber on all lands entered, selected, located, and appropriated, but the money received went into a "burned timber fund," and in the case of a homestead entryman they had a complicated system of bookkeeping whereby the homestead entryman should receive the proportion of the money received from the sale of timber on his homestead that the length of time he had lived on his homestead bore to the entire five years which he must live there.

Now, these provisions, it seemed to us, were illogical in this, that while the Secretary could not on his own motion cut the timber from land contained in a location or an appropriation, which might mean a piece of land that had been claimed by any sort of shadow of claim or right, he could get somebody's permission to have it cut, but the funds arising from the sale went into the Treasury just as though he had cut the timber from unclaimed land on his own motion.

Now, this is the theory of the House bill, that except on lands covered by homestead entry or a State selection or any other selection which is in the nature of an entry, the validity of which can be quickly determined by the department, that except on those lands the Secretary has the right to cut the dead timber from all classes of the lands. In other words, where they are still Government lands not covered by a claim that is in the nature of an entry, the Secretary shall have the right to cut the timber, and the money arising from the cutting of such timber shall flow into the National Treasury.

But, on the other hand, that land covered at the time of these fires, not now, not in the future, but at the time of the fires, by an entry, a homestead entry or a valid selection which is in the nature of an entry, that as to those lands the claimant had acquired such a right or title that he ought to be given an opportunity to have the timber cut for his benefit, and therefore we simply provide that the Secretary may allow him to cut—it is discretionary with the Secretary—allow him to cut under rules and regulations which the Secretary is to provide.

That is the theory of the House bill. The House committee did not believe that in the great territory yonder, burned over by forest fires last year, the man who had simply asserted a claim, which might never ripen into an entry, should be allowed the proceeds of the timber cut upon land so claimed. But, on the other hand, we did not think we ought to pursue the round-about process of the bill as it came to us, under which the Secretary must go to the man and get his permission and have the timber cut, and after getting his permission keep the proceeds.

Mr. MANN. Will the gentleman from Wyoming yield?

Mr. MONDELL. Certainly.

Mr. MANN. The gentleman understands that he has now occupied 20 minutes on this bill and to-day was set apart especially for suspensions under the rule.

Mr. MONDELL. I want to say that neither the bill as it came from the Senate nor as reported from the House would authorize a locator of a mining claim to have the timber cut from his claim and receive the proceeds. Neither committee seems disposed to do that, and if the gentleman from South Dakota insists on that, it would mean that we would not have any legislation at all, because the legislation did not come to us in that form.

Mr. MARTIN of South Dakota. The legislation came to the committee in the form that a valid mining claim location and a valid homestead entry would be on the same basis.

Mr. MONDELL. If the gentleman will read section 2 he will find that is not so at all; they are on the same basis, so far as the manner of cutting is concerned, but by the terms of the Senate bill the homestead entry would receive part of the proceeds and the mining locator none.

Mr. MARTIN of South Dakota. Both in the same position.

Mr. MONDELL. He will find that after the timber was cut from it the locator did not receive a penny of it.

Mr. MARTIN of South Dakota. That proposition I should oppose, and I should oppose just as strenuously taking the property from a valid mining locator and passing it over to the Government. There is no higher title than a valid mining location, except a patent.

The SPEAKER. Does the gentleman from South Dakota object?

Mr. MARTIN of South Dakota. If the gentleman will consent, at the end of line 18, page 2, to insert the word "location," I will not object. Otherwise I shall object.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. COOPER of Wisconsin. Has there ever been any other bills passed that provided for the sale of timber, except dead and down timber? Have the words "damaged timber" ever been in a bill before?

Mr. MONDELL. The words "dead and down timber" have not proved very happy in their operation in law always.

Mr. COOPER of Wisconsin. As the bill came from the Senate it provided for "damaged timber."

Mr. MONDELL. We say "seriously damaged."

Mr. COOPER of Wisconsin. Under that language they could cut live timber.

Mr. MANN. The Forest Service has to pass upon it.

Mr. STAFFORD. Mr. Speaker, I would like to ask the gentleman a question as to the special reclamation fund in section 1.

Mr. MONDELL. It provides that the sums received from the sale of timber shall fall into the reclamation fund, just as the funds from the sale of land do.

Mr. STAFFORD. What provision is made here for the expenses borne by the Secretary of the Interior in cutting this land to be charged up against the persons who have some claim to the damaged timber?

Mr. MONDELL. The administration of the law and the expenditures under it would be paid out of the general appropriations. The Government would be to no expense with regard to the cutting of timber on the lands belonging to individuals.

Mr. STAFFORD. Why not?

Mr. MONDELL. All the Secretary has to do is to grant them the right to cut the timber on their lands or refuse to do so.

Mr. STAFFORD. Will the gentleman explain what right the Government has to take and cut timber on Government lands outside of the forest reserves?

Mr. MONDELL. There is no law providing for the sale of timber on public lands.

Mr. STAFFORD. Has the Government any authority to cut down any dead timber?

Mr. MONDELL. No authority now.

Mr. MANN. Mr. Speaker, the discussion of this bill has shown it is too important to pass in this way. Therefore I object.

The SPEAKER pro tempore. Objection is heard.

PAYMENT OF IMPORT DUTIES, ETC., BY CERTIFIED CHECKS.

Mr. HILL. Mr. Speaker, I ask unanimous consent to recur to the bill (H. R. 30570) relating to the payment of import duties, and so forth, by certified checks, which was laid aside a few moments ago. I think that all objections to it have been met, and there will not be the slightest objection to the provisions of the bill as amended.

Mr. SLAYDEN. Mr. Speaker, in recurring to a bill that has been laid aside, it is entirely probable that great detriment will be done to the balance of this calendar.

Mr. HILL. It will not take more than five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, in line 5, page 1, after the word "banks," by inserting the words "State banks and trust companies."  
Strike out section 2 and section 3, and renumber section 4 as section 2.

Mr. HILL. That covers all objections.

The SPEAKER pro tempore. The question is on the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER pro tempore. The question now is on the committee amendments.

The committee amendments were agreed to.

Mr. BENNET of New York. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.



The Clerk read as follows:

Page 1, line 4, before the word "internal," strike out "and," and after the word "internal" insert the words "and immigration."

Mr. HILL. Mr. Speaker, that question was distinctly understood and discussed in the committee, and the committee did not care to enter upon that.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that it is not germane. This is a bill providing a method for the payment of customs and internal revenue. This amendment attempts to include the head tax under the immigration law, and it clearly has nothing to do with it.

The SPEAKER pro tempore. The bill relates to duties on imports, and also to internal taxes, and the Chair thinks a third object, such as that referred to, might be inserted as an amendment and be germane to the section.

The Chair overrules the point of order.

Mr. SLAYDEN. Mr. Speaker, I would like to ask some explanation of the amendment offered.

Mr. MANN. We will vote it down.

Mr. SLAYDEN. I understood from the gentleman from Connecticut that this matter was brought up in committee and voted down, and now it is sprung here at the last moment, in the consideration of amendments that we were assured had been agreed to and would not consume the time of the House.

Mr. HILL. That is correct.

Mr. SLAYDEN. What is the object of the amendment?

Mr. BENNET of New York. Mr. Speaker, the object of this bill, as I understand it, is to relieve business men from the necessity of taking actual currency down to the customs houses and paying it over, when they could just as well pay with certified checks.

Mr. CLARK of Missouri. Is this the bill about certified checks? Well, it ought to pass without a dissenting voice.

Mr. BENNET of New York. There is paid into the custom-houses throughout the country during the year about \$4,000,000 in head taxes, so the argument that applies to custom duties applies to the head tax, and there is no reason under the shining sun why the men who are in this business and who have to take and cart this gold and silver down to the customhouse should not be relieved of that burden. All that this amendment does is to extend the provisions of the statute to the steamship people who pay \$4,000,000 a year, and I hope, therefore, the amendment will be agreed to.

Mr. HILL. Mr. Speaker, I have no authority to speak for the committee in regard to the matter. I would simply state to the House this, that the question of receiving this money from the steamship companies by certified check was not considered by the committee. The subject was brought up but it was not deemed wise to enter upon it and the House must act upon its own responsibility. My own judgment in regard to the matter is there ought to be a hearing upon this question, as there was upon the pending bill, and the wisest course to pursue is for the gentleman to offer his amendment before the Senate committee, where it can be heard and discussed, and not here on the floor of the House. At the same time, I personally have no objection to it, but I have no authority from the committee to act on the matter.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced that the yeas appeared to have it.

Upon a division (demanded by Mr. BENNET of New York) there were—yeas 26, yeas 33.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### HOMESTEAD ENTRIES, RED LAKE INDIAN RESERVATION, MINN.

The next business on the Unanimous Consent Calendar was the bill (H. R. 32222) authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota.

The Clerk read as follows:

Be it enacted, etc., That hereafter all lands ceded under the act entitled "An act to authorize the sale of what is known as the Red Lake Indian Reservation, in Minnesota," approved February 20, 1904, and undisposed of, shall be subject to homestead entry at the price of \$4 per acre, payable as provided in section 3 of said act, for all lands not heretofore entered; and for all lands embraced in canceled entries the price shall be the same as that at which they were originally entered: *Provided*, That where such entries have been or shall hereafter be canceled pursuant to contests, the contestant shall have a preference right to enter the land embraced in such canceled entry, as prescribed in the act of July 26, 1892.

The committee amendment was read, as follows:

*Provided further*, That all lands entered under this act shall, in addition to the payments herein provided for, be subject to drainage charges, if any, authorized under the act entitled "An act to authorize

the drainage of certain lands in the State of Minnesota," approved May 20, 1908.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. FERRIS. Mr. Speaker, I reserve the right to object.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I would like to inquire of the gentleman having the bill in charge as to the reason why any of this land is withdrawn from entry and why the bill places \$4 as the minimum price when under the original act there was no limit at all upon the amount that should be paid for this land.

Mr. STEENERSON. Mr. Speaker, the original act, the act of February 20, 1904, provided that the land should be offered at public auction and subject to the homestead law; that is, the privilege of taking a homestead was put up at auction and sold, and some of this land sold at a very high price, and still the purchaser had to comply with the homestead law. This law provided that, after that auction sale was over, for a period of five years the land should be subject to homestead entry at \$4 an acre, and this unsold portion has been subject to homestead entry from 1904 until last summer. Then the law provided, after it had been open to homestead entry for five years and untaken, it could be sold at \$4 an acre without any homestead requirement, and the Secretary of the Interior was authorized to sell it; that is, he could sell to speculators at \$4 an acre, that being the minimum price. Some of this original tract of a quarter of a million acres embraced some wet land, and for that reason those lands have not been taken because too wet for agriculture. But since that time Congress passed an act authorizing drainage assessments under State laws, the same as privately owned land, and such improvements have been projected, and these will, it is believed, make these lands fit for settlers. The Secretary of the Interior, in view of this, withdrew the land and suspended sale thereof until Congress could pass appropriate legislation, and this bill is the result. The bill has been unanimously reported by the Committee on the Public Lands and is approved by the Interior Department.

Mr. HAMMOND. Will my colleague permit a question?

Mr. STEENERSON. I yield to my colleague.

Mr. HAMMOND. I have not the bill before me, but I understand that part of these lands will be opened for homestead settlement at \$4 an acre?

Mr. STEENERSON. That is true.

Mr. HAMMOND. And that other lands will be open for homestead settlers at a price per acre equal to that paid when original entry was made?

Mr. STEENERSON. That is true.

Mr. HAMMOND. Will the gentleman please explain the necessity for the difference in price?

Mr. STEENERSON. The bill as originally introduced did not make that distinction, but the Secretary of the Interior in recommending it suspected that somebody who had offered in 1904 at auction sale more than \$4 an acre and had not proved up might possibly relinquish his land and then buy it at \$4 an acre.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. STEENERSON. There was no danger of that, because they have all proved up by this time, with very few exceptions.

Mr. FITZGERALD. This land was Indian land, was it not?

Mr. STEENERSON. It was Indian land.

Mr. FITZGERALD. And the proceeds are to go to the Indians?

Mr. STEENERSON. Yes.

Mr. FITZGERALD. And the tract was very valuable, and it was well known this land would bring more than \$4 an acre?

Mr. STEENERSON. It was sold for more. It was sold for as high as \$46.50. All of the land that was of any particular value was sold five years ago. This is the remnant. This is the swamps that have not been taken.

Mr. FITZGERALD. It is not swamps, because you would not get \$4 an acre for the swamp lands.

Mr. STEENERSON. They have been too wet for settlement.

Mr. FITZGERALD. Who is going to homestead on these swamps at \$4 an acre?

Mr. STEENERSON. They are proposing to build ditches that will reclaim them, and then we believe it will be fit.

Mr. FITZGERALD. Now, if this land is drained, it will be worth much more than \$4 an acre, will it not?

Mr. STEENERSON. Because of drainage—

Mr. FITZGERALD. The gentleman forgets this does not belong to the United States, but is land belonging to the Indian tribe, and the United States, as trustee, is to sell it and collect the proceeds for the benefit of these Indians.

Mr. STEENERSON. If the gentleman from New York will permit me to say, before any legislation on this subject was had,

Indian Inspector McLaughlin made a written agreement with these Indians to buy this quarter million of acres at \$4 an acre, or \$1,000,000, and Congress refused to appropriate the money outright; but it provided that the land should be sold as I have described. We have now realized \$1,074,879, so that when these 43,000 acres are sold at \$4 an acre the Indians will get a quarter of a million dollars more, approximately, than they agreed to take for them. It is to the interest of the Indians to have this bill pass, because by inducing settlers to go on the land in proximity to land that the Indians own it will enhance its value. The settlement and development of the country naturally enhances the value of the adjoining land. It is all the land is worth, anyway. The gentleman from Minnesota [Mr. VOLSTEAD], a member of the Committee on Public Lands, visited that region last year, and he says in his report on this bill that the price fixed as a minimum price is the price that similar land is offered for in that vicinity of similar character.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. STEENERSON. Certainly.

Mr. STEPHENS of Texas. I would like to ask the gentleman if it would not be better to offer this land at public auction and let it bring whatever it is worth, and allow the people who desire to buy it to purchase it in 160-acre plats with the right then to homestead it.

Mr. STEENERSON. I do not think so, and the department is of the opinion it would be better to give it to homesteaders at \$4 an acre, which is all it is worth, and it will bring more than that way than if it were sold to speculators.

Mr. STEPHENS of Texas. Will the gentleman inform us why the department makes a difference between his State and the State of Oklahoma, where they have sold millions of acres of land at competitive sale and placed the burden of homesteading the land in connection with having to buy it at open auction?

Mr. STEENERSON. I am not familiar with conditions in Oklahoma, but I am satisfied the interests of the Indians are well protected in this bill, and there has been no tract of land ever ceded by Indians in the United States for which they have realized 25 per cent more than they agreed to take for it outside of this tract that is here in question.

Mr. STEPHENS of Texas. Why not permit them to sell the land to the highest bidder?

Mr. STEENERSON. We did have an auction sale on these lands for six months, and every piece of land that was desirable was sold to the highest bidder, subject to the homestead laws. After that it was open to homesteads for five years more at \$5 an acre. But these lands were in such a condition that no one up to date has been willing to take them, and then the law provided that they might be sold at auction to speculators, but it was thought that because of the prospective drainage improvements that settlers might be induced to take them instead of speculators, and that it would be for their benefit.

Mr. STEPHENS of Texas. The idea seems to be that the department wants to keep it out of the hands of the speculator. Could not they do it better by extending the homestead law to the land?

Mr. STEENERSON. The homestead laws have been applicable to the land for five years.

Mr. MANN. The regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to this bill?

Mr. FITZGERALD. Reserving the right to object, we want to make some inquiries.

Mr. MANN. I will withdraw the demand for the regular order.

Mr. FITZGERALD. How much will the land be worth an acre after the drainage proceedings instituted by the State?

Mr. STEENERSON. The idea is that they will be worth what it costs to drain them and what is paid to the Indians. It will cost \$4 or \$5 an acre to drain, and \$4 has to be paid to the Indians, so that a settler will have to pay about \$9 an acre.

Mr. FITZGERALD. Yes; but how much will it be worth?

Mr. STEENERSON. Well, it would not sell for any more than \$9, probably.

Mr. GOULDEN. If the gentleman will pardon me, this land is practically worthless now.

Mr. STEENERSON. Yes.

Mr. GOULDEN. Who proposes to do the draining?

Mr. STEENERSON. That is rather a complicated matter. It is done under State law by permission of an act of Congress. The amount proportioned to each tract is levied against the land. The paramount lien is the purchase price to the Indians—\$4—and then the cost of drainage assessment for the proposed ditch, which will be \$5 or \$6 an acre more. When it is all done, we expect settlers to take it.

Mr. GOULDEN. Is there any certainty that the drainage will be done so that the lands will be put on the market?

Mr. STEENERSON. I think there is a good prospect of it.

Mr. GOULDEN. How much land is there?

Mr. STEENERSON. About 43,000 acres. There was originally 250,000 acres, but something over 200,000 acres have been disposed of.

Mr. GOULDEN. And the gentleman thinks it is for the advantage of the Indians who own the land and who will receive the money?

Mr. STEENERSON. I think so. It is the unanimous report of the Committee on Public Lands, and is approved by the department.

Mr. FERRIS. Mr. Speaker, I was not present when this bill was considered in the committee, but it seems to me that the bill ought not to have been considered by the Committee on Public Lands, but should have gone to the Committee on Indian Affairs. Now, I want to ask the gentleman if he would have any objection to the insertion of three words in line 7, page 1, the words "not less than" after the word "of" and immediately preceding the word "four," so that it would read "not less than \$4."

Mr. STEENERSON. I have no objection to that.

Mr. FERRIS. It seems to me not at all necessary and not at all proper to say that 43,000 acres of land scattered indiscriminately over this Indian reservation should be sold for a fixed price of \$4 an acre. I take it there must be land there worth \$40 or \$50 an acre.

Mr. STEENERSON. Oh, no.

Mr. FERRIS. In 1904 some of these lands sold for as high as for \$4 up to \$40 an acre.

Mr. STEENERSON. They sold the best land. These lands have been open for homestead entry for five years and nobody would take them.

Mr. FERRIS. I take it that the improvement of the land that has been made renders the balance of it more valuable.

Mr. Speaker, I offer the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. STEENERSON. I will accept the amendment.

The Clerk read as follows:

On page 1, line 7, before the word "four," insert the words "not less than."

The question was taken, and the amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### ALIENS AND STOWAWAYS.

The next business was the bill (H. R. 32441) to amend the immigration law relative to aliens and stowaways.

The Clerk proceeded to read the bill.

Mr. MANN. Mr. Speaker, that is a rather long bill and a very important one, and I do not think could be disposed of to-day without occupying more time than we ought to give to it. I therefore object.

The SPEAKER. Objection is heard.

#### UNITED STATES COURTS, IDAHO AND WYOMING.

The next business was the bill (S. 3315) amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming, approved June 1, 1889."

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the original bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 3 of 'An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming,' approved July 5, 1892, as amended by the amendatory act approved June 1, 1898, be amended so as to read as follows:

"Sec. 3. That for the purpose of holding terms of the district court said district shall be divided into four divisions, to be known as the northern, central, southern, and eastern divisions. The territory embraced on the 1st day of July, 1910, in the counties of Shoshone, Kootenai, and Bonner shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Latah, Nez Perce, and Idaho shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bingham, Bear Lake, Custer, Fremont, Bannock, Lemhi, and Oneida shall constitute the eastern division of said district."

"Sec. 2. That section 6 of said act as amended by the act approved June 1, 1898, be amended so as to read as follows:

"Sec. 6. That the terms of the district court for the northern division of the State of Idaho shall be held at Coeur d'Alene City on the



fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays in February and September; and for the eastern division, at Pocatello on the second Mondays in March and October; and the provision of any statute now existing providing for the holding of said terms on any day contrary to this act is hereby repealed; and all suits, prosecutions, process, recognizance, bail bonds, and other things pending in or returnable to said court are hereby transferred to, and shall be made returnable to, and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not been passed.

"That the clerk of the district and circuit courts for the district of Idaho and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts of the said several divisions of said judicial district. Whenever in the judgment of the district and circuit judges the business of said courts hereafter shall warrant the employment of a deputy clerk at Coeur d'Alene City, new books and records may be opened for the said court, and a deputy clerk appointed to reside and keep his office at Coeur d'Alene City."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The amendment in the nature of a substitute was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and was passed.

#### INTERNATIONAL PEACE.

The next business was the bill (H. R. 32084) to incorporate the Carnegie Endowment for International Peace.

The Clerk proceeded to read the bill.

Mr. MANN. Mr. Speaker, this is a very important bill, and I would like to know if we could not have the question submitted as to whether anybody objects, before it is read through.

The SPEAKER pro tempore. Without objection, the Chair will now submit the question. Is there objection to the consideration of this bill?

Mr. McDERMOTT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. PARKER. Mr. Speaker, that kills the bill for the whole session to do that, and it is really pretty hard to have an objection made.

Mr. SLAYDEN. I will ask the gentleman from Illinois to withhold his objection for a few minutes.

Mr. McDERMOTT. I will withhold it for a short while.

Mr. McCALL. Mr. Speaker, I demand the regular order.

#### RECONSIDERATIONS.

Mr. MANN. Mr. Speaker, before the gentleman from Massachusetts proceeds, I will ask his indulgence to ask unanimous consent to enter a motion to reconsider the bills that were passed to-day, and that that motion lie upon the table.

The SPEAKER. Is there objection? [After a pause.] There is none.

Mr. MANN. And also to lay upon the table the bills H. R. 11593, 11664, 17848, 26411, 28624, on the calendar, similar bills having already been passed.

The SPEAKER. Without objection, it will be so ordered. There was no objection.

#### ORDER OF BUSINESS.

Mr. PARKER. Mr. Speaker, I rise to a parliamentary inquiry. The gentleman from Illinois withheld his objection.

The SPEAKER. But the regular order was demanded.

Mr. PARKER. The gentleman has withheld his objection. Does this bill go over as on the Calendar for Unanimous Consent?

The SPEAKER. It goes off the calendar under the rules.

Mr. PARKER. But the gentleman withheld his objection.

Mr. McDERMOTT. Mr. Speaker, I object.

#### MONUMENT TO ABRAHAM LINCOLN.

Mr. McCALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 9449) to provide a commission to secure plans and designs for a monument or a memorial to the memory of Abraham Lincoln, with an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.* That WILLIAM H. TAFT, SHELEY M. CULLOM, JOSEPH G. CANNON, GEORGE PEABODY WETMORE, SAMUEL WALKER McCALL, HERNANDO D. MONEY, and CHAMP CLARK are hereby created a commission, to be known as the Lincoln Memorial Commission, to procure and determine upon a location, plan, and design for a monument or memorial in the city of Washington, D. C., to the memory of Abraham Lincoln, subject to the approval of Congress.

SEC. 2. That in the discharge of its duties hereunder said commission is authorized to employ the services of such artists, sculptors, architects, and others as it shall determine to be necessary, and to avail itself of the services or advice of the Commission of Fine Arts, created by the act approved May 17, 1910.

SEC. 3. That the construction of the monument or memorial, herein and hereby authorized, shall be upon such site as shall be determined by the commission herein created, and approved by Congress, and said construction shall be entered upon as speedily as practicable after the plan and design therefor is determined upon and approved by Congress,

and shall be prosecuted to completion, under the direction of said commission and the supervision of the Secretary of War, under a contract or contracts hereby authorized to be entered into by said Secretary in a total sum not exceeding \$2,000,000.

SEC. 4. That vacancies occurring in the membership of the commission shall be filled by appointment by the President of the United States.

SEC. 5. That to defray the necessary expenses of the commission herein created and the cost of procuring plans or designs for a memorial or monument, as herein provided, there is hereby appropriated the sum of \$50,000, to be immediately available.

SEC. 6. That said commission shall annually submit to Congress an estimate of the amount of money necessary to be expended each year to carry on the work herein authorized.

SEC. 7. That all acts or parts of acts inconsistent herewith are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. FITZGERALD. Mr. Speaker, I demand a second.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York is entitled to 20 minutes and the gentleman from Massachusetts to 20 minutes.

Mr. McCALL. Mr. Speaker, this bill provides for the appointment of a commission to determine upon plans for some suitable memorial to Abraham Lincoln in the city of Washington. It comes to this House with the sanction of having been introduced in the other House of Congress by the venerable Senator from Illinois, who was for many years a friend of Mr. Lincoln. An attempt was made by various gentlemen, including myself, two years ago, just before the one hundredth birthday of Abraham Lincoln, to provide for some suitable monument to him in the Capital City of the Nation that he saved.

A half century nearly after his death and the close of the Civil War there is nothing in the city of Washington to remind one that Abraham Lincoln ever existed except perhaps the scarecrow in front of the District court building and the statue of which we must all speak in terms of veneration and respect which was raised by the contributions of ex slaves. We have a great monument here to Washington and are soon to have a splendid memorial to Grant, and the object of this bill is to provide that there shall be erected here in this city a memorial to Abraham Lincoln. We were unable two years ago to procure the passage of suitable legislation because of the advocacy of so many different plans. There was a plan for a bridge, there was a plan for some sort of a structure in the new parkway; there was also a plan for a way to Gettysburg. All of these plans had more or less merit in them, but on account of the advocacy of all of them none was adopted.

I have nothing to say about the proposed plan of a way to Gettysburg, but it is very obvious that it brings in a new question and uses the fame of Lincoln to settle upon a policy upon which there is much discussion. If we build a magnificent highway through the States of Maryland and Pennsylvania to Gettysburg we shall have established a precedent which will be utilized for the purpose of having the National Government construct great ways at enormous expense in other States. What, for instance, could be more striking than a great highway from the city of Washington to the city of Richmond, which, but for Lincoln, might have been the capitals of two hostile nations, going through a country every inch of which was fought over by contending armies for three or four years? What could be more fitting, also, than a highway from Philadelphia to New York, through the region over which George Washington drove the British in the Revolutionary War? So we do not wish to complicate the simple question of having a memorial to Lincoln in the city of Washington with any of these other propositions, and the object of this bill is to secure its consideration by a commission. The commission must report to Congress, and it proposes to secure here, ultimately, in the city of Washington the construction of a suitable memorial to Lincoln. We have made an amendment on the Senate bill. We have added to the name of the commission those of the author of the bill, Senator CULLOM, of Illinois, and also the name of the Speaker of the House, Mr. CANNON, who was a personal friend of Lincoln's; and we have reduced the sum authorized to be expended by the commission for the purpose of making the investigations from \$100,000 to \$50,000. I think I have sufficiently explained the general purposes of the bill, and I reserve the balance of my time.

Mr. BARTHOLDT. I am heartily in favor of this bill, Mr. Speaker, but, if I construe correctly the remarks of the gentleman from Massachusetts, the commission might feel inclined to eliminate this plan for a highway because of his objection. If I understand, this bill does not confine the commission to any particular plan or form of a memorial.

Mr. McCALL. No; it does not confine the commission to any plan, but it provides for the erection of a memorial in the city of Washington. Now, it will be entirely within the authority of the commission to recommend a memorial arch, for instance, at the proposed terminus of this way to Gettysburg, or something of that sort, but I should not consider it within the scope of the authority of this bill to provide for the construction of a highway outside of the District of Columbia, either to Gettysburg or to Richmond, although it would be proper if we reach any conclusion favorable to either of those projects for the commission to report that conclusion to Congress.

Mr. BARTHOLOMT. Of course I shall not oppose the bill with the statement of the gentleman from Massachusetts, but I desire to express my regret that the hands of the commission should be tied to that extent. I think that probably a highway to Gettysburg, as a memorial to the memory of Lincoln, would be more compatible with the character of his life than any mere statue or monument would be, and there are a great many people in this city and in the country who believe that would be a better way to memorialize Lincoln than by a mere monument. I am very sorry this bill will not permit the commission even to consider favorably a plan of that kind.

Mr. MANN. Many of us are very glad, however.

Mr. GILLET. I will say, for one, that I am very glad it did not. I would like to ask the gentleman from Massachusetts [Mr. McCALL] why such a large sum as \$50,000 is needed? Why should they require any such amount for that purpose?

Mr. McCALL. Replying to my colleague, I will say that I do not know whether he heard the bill read or not, but as the bill passed the Senate it provided for \$100,000, which the House committee has reduced to \$50,000. Section 2 provides that in the discharge of its duties hereunder the said commission is authorized to employ the services of such artists, sculptors, architects, and others, as it shall deem necessary for the purpose of deciding upon some suitable memorial. It will take expert advice of the very highest character in order to develop a plan for this memorial, and I will say to the gentleman that the expenditure of the whole sum of \$50,000 is not necessary, but is simply authorized to be expended.

Mr. GILLET. I was inquiring whether it was intended they should select a particular marble, or if this money is to be expended for models, or, as I understood, was simply for some general scheme.

Mr. McCALL. It is to decide upon some precise and definite memorial or model for a memorial which the commission is willing to recommend to Congress; and then Congress must approve it.

Mr. FITZGERALD. Will the gentleman yield?

Mr. McCALL. Certainly.

Mr. FITZGERALD. Why does the gentleman include in here that we are to make contracts up to \$2,000,000 for a plan to be submitted to Congress and to obtain its approval before any action is taken whatever?

Mr. McCALL. That was a provision in the Senate bill.

Mr. FITZGERALD. But it is such a bad one that I want to know why the gentleman did not strike it out.

Mr. McCALL. It is not a particularly bad one. It is rather the laying down of lines and limitations. I should construe that as meaning that we were to provide for a memorial of a very imposing character, that we might contemplate providing plans for a memorial that would cost \$2,000,000, including the site and all the other accessories; but I do not think we are at liberty to make any contract or to involve the Government in the expenditure of any of that \$2,000,000.

Mr. FITZGERALD. The bill provides that the commission shall agree upon some plan and submit it to Congress for its approval. Upon its approval the Secretary of War is authorized to enter into contracts for the carrying out of this plan at a total expenditure of not to exceed \$2,000,000. Would it not be wise to have the plan prepared and details worked out and submitted to Congress before the extent of the contracts some officer shall be authorized to make in order is determined? My experience, I will say to the gentleman from Massachusetts, has been—

Mr. McCALL. Will the gentleman permit me a minute?

Mr. Speaker, how much time have I remaining?

Mr. FITZGERALD. I am taking my own time. The gentleman can take my time if there is any necessity for it.

The SPEAKER. The gentleman from Massachusetts [Mr. McCALL] has nine minutes remaining.

Mr. HARRISON. Will the gentleman from Massachusetts yield to a question?

Mr. FITZGERALD. My experience has been that whenever Congress authorizes any public improvement or memorial, or

public work of any character, and fixes in advance a limit of cost, it has never been able to obtain skilled services or architects, or other artistic services, resulting in a design for a building, a memorial, or an enterprise that could possibly be built within the limit of cost fixed by Congress.

If this \$2,000,000 be inserted here, I am confident that a plan will be prepared of some memorial which, although it will be stated will not cost to exceed \$2,000,000, will never be completed within, perhaps, \$3,000,000, or at least half a million dollars more than the proposed cost. I should prefer to leave the commission that is to prepare a design of memorial to commemorate Abraham Lincoln in the city of Washington free to secure the best experts available to plan a design to be submitted to Congress, and when the various designs are submitted to determine which shall be adopted as the memorial, and authorize the expenditure of whatever money might be necessary. The only criticism I have of such a bill as this being considered at this time is the fact that it is possible to procure consideration of a bill for a very worthy purpose which is designed to impose an obligation of \$2,000,000 on the people of the United States when it is utterly impossible to procure the consideration of any legislation whatever that will relieve them from many of the burdens under which they now labor. I suppose it is one of the misfortunes of our system of government, but I am inclined to think that it is due not so much to the system of government as it is to the fact that the party in control of the House is so unenlightened, and so obtuse, and so unable to appreciate the meaning of the recent election that it hopes to pile up authorization from now until the expiration of this Congress, with the knowledge that such action will make it difficult, if not impossible, for the succeeding Congress to relieve the people from any burdens under which they suffer. It would be a good thing, Mr. Speaker, for the country if this Congress should adjourn now instead of March 4.

Mr. MANN. On the other hand, we are liable to be in session for several months after the 4th of March.

Mr. FITZGERALD. Not this outfit.

Mr. MANN. Not so sensible a one.

Mr. GOULDEN. I understood my colleague to propose that there be a limit placed in the bill not to exceed \$2,000,000.

Mr. FITZGERALD. Oh, no. I would strike out, if I had my way, all after the word "Congress," line 14, down to and including the word "dollars," in line 18, page 2.

Mr. GILLET. You would not have any limit, then?

Mr. FITZGERALD. That is not a limit of cost; it is authority to enter into contracts to build a memorial on some plan or design not even yet in contemplation.

Mr. GOULDEN. Does the gentleman think that would be in the interest of economy?

Mr. FITZGERALD. I believe there would be less likelihood of the House being shocked after the work was completed, or when it was pretty well along, than it would by putting in the \$2,000,000 authorization, because while this is intended as a limitation it will not be accepted in that sense, but on the theory that a plan must be designed which will require at least an expenditure of \$2,000,000.

Mr. GILLET. Will not the gentleman recognize that it is necessary for some suggestion to be made as to the extent of the cost? Otherwise the architect would not know anything about it.

Mr. FITZGERALD. When I look at the personnel of this commission—WILLIAM H. TAFT, SHELBY M. CULLOM, JOSEPH G. CANNON, GEORGE PEABODY WETMORE, SAMUEL WALKER McCALL, HERNANDO D. MONEY, and CHAMP CLARK—all of them men of long experience in public life, all of them men who have displayed, at least at times, some appreciation of the value of public money, and in their public careers have shown a disposition to have it expended wisely, I think it is hardly necessary to have any intimation to these men that the passage of such a bill as this is not intended as an intimation that they should first ascertain how much money was available in the Treasury and then proceed to attempt to spend it.

Mr. McCALL. The gentleman would hardly deny that at least two of the commissioners—JOSEPH G. CANNON and CHAMP CLARK—are not spendthrifts when it comes to dealing with the national funds.

Mr. FITZGERALD. I just said that in view of the personnel of the commission it is not necessary. Of course I understand the modesty of the gentleman from Massachusetts makes it impossible for him to make the statement that persons of the artistic temperament and sensibilities of some of the members of the commission might possibly require some brake upon their impetuous desire to squander money, but so many distinguished economists who have endeavored to protect the Public Treasury from improper raids need no limitation. My



only fear is that this provision for the contract will give those members of the commission with the artistic impulse a club to coerce the more practical, economical members of the commission into paths that they otherwise would not stray.

Mr. HARRISON. Will the gentleman from New York yield me two minutes to ask a question of the gentleman from Massachusetts?

Mr. FITZGERALD. I will yield my colleague five minutes—two for the question and three for the answer. [Laughter.]

Mr. HARRISON. I have no doubt that gentlemen in this House will unite in a desire to do honor to the memory of Abraham Lincoln, and I feel certain that no Member will consider questions directed to the financial part of this plan as indicating any unfriendly attitude toward the purpose. But I would like the gentleman from Massachusetts [Mr. McCall] to explain to those of us over here who were so unfortunate as not to be able to hear the colloquy between himself and his colleague a few moments ago as to the necessity for appropriating \$50,000 to defray the necessary expenses of the commission, and so on. Does that entail paying salaries to the members of the commission? Does it mean that you are going to pay salaries to a lot of clerks, secretaries, and people employed in various incidental manners in connection with this commission? What is the process of such a commission as this? The gentleman from Massachusetts has served on others of them, I believe, and is entirely familiar with them. Will he explain to me why \$50,000 should be appropriated and why these gentlemen who are named here can not get together and ask for the submission of architects' plans without \$50,000 being appropriated?

Mr. McCALL. Mr. Speaker, with regard to the danger of paying salaries to the commission and to clerks, and so forth, I should have no hesitation in saying there is not a particle of danger of that being done. I never knew of any of these commissions having in charge the creation of works of art paying themselves salaries. I will say, furthermore, to the gentleman from New York, that I think he knows perhaps something of my own position with regard to entering into collateral expenses in the building of memorials, such, for instance, as the paying of sums of money for the preparation of historical matter.

Mr. HARRISON. Have we the assurance of the gentleman from Massachusetts that he will oppose any such suggestion in connection with this?

Mr. McCALL. As far as the gentleman from Massachusetts is concerned, he certainly will.

Mr. HARRISON. What about the payment of clerks and secretaries for the commission? How many of those will be necessary?

Mr. McCALL. I should imagine that perhaps one man might be necessary, but no more than that.

Mr. HARRISON. What is the \$50,000 to go for?

Mr. McCALL. I will read section 2 of the bill:

That in the discharge of its duties hereunder said commission is authorized to employ the services of such artists, sculptors, architects, and others as it shall determine to be necessary, etc.

It will be necessary, as I said, to secure the assistance of the best artistic talent in the country in order to adopt some suitable plan.

Mr. HARRISON. Does this include the architects' fees?

Mr. McCALL. The architects' fees, the fees of artists who are called upon to advise and to suggest plans; but I do not believe that this commission would expend even \$10,000 for that purpose if it were not necessary; but it is a purpose that will require the expenditure of money in getting the very best advice we can before we shall decide upon some definite memorial to recommend to Congress. I would say to the gentleman, further, that the Senate considered the expenditure of \$100,000 necessary for that purpose, but that the Committee on the Library of the House reduced the amount to \$50,000.

Mr. HARRISON. The gentleman does not suppose that these artistic gentlemen will confine their attention to \$10,000, when they can see in the bill that they might get \$50,000.

Mr. McCALL. They will confine their bills to just such amounts as the commission think they should reasonably charge.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### MONUMENT TO MAJ. GEN. NATHANAEL GREENE.

Mr. THOMAS of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5379) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground in North Carolina as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That the sum of \$30,000 be, and the same is hereby, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a monument on the battlefield of Guilford Court House, in Guilford County, N. C., to commemorate the great victory won there on March 15, 1781, by the American forces, commanded by Maj. Gen. Nathanael Greene, and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated in the battle of Guilford Court House: *Provided*, That the money authorized to be appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and designs for such monument shall be first approved by the Secretary of War, with the assistance of the officers of the Guilford Battle Ground Co., before any money so authorized to be appropriated is expended: *And provided further*, That the site for said monument within the limits of said battle field of Guilford Court House shall be selected by the Secretary of War and donated free of cost to the United States: *And provided further*, That when said monument is erected the responsibility for the care and keeping of the same shall be and remain with the Guilford Battle Ground Co., it being expressly understood that the United States shall have no responsibility therefor; and it being further understood that said Guilford Battle Ground Co. shall provide for the public use an open highway thereto.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. THOMAS of North Carolina. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from North Carolina [Mr. THOMAS] is entitled to 20 minutes, and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. THOMAS of North Carolina. Mr. Speaker, this bill is reported by me from the Committee on the Library of the House of Representatives. Bills having the object of the erection of a statue to Maj. Gen. Greene have heretofore passed the Senate of the United States in four Congresses, the Fifty-fourth, Fifty-ninth, Sixtieth, and the Sixty-first.

The Committee on the Library of the House, in considering the Senate bill, deemed it wise to erect a monument upon the battle field of Guilford Court House to commemorate not only Gen. Nathanael Greene, but the great battle fought there, and also to commemorate and honor the officers and soldiers of the Continental Army who fought with Gen. Greene. This battle ground is situated near Greensboro, N. C., by the way, located near the place of birth of the distinguished Speaker of the House. There can be no question of the great importance of the battle, its effect upon our war for independence, and that Gen. Greene was one of the greatest forces of the War of the Revolution. A native of Rhode Island and a resident of Georgia after the war, this bill links together New England and the South, and this tribute of respect and honor to Gen. Greene has been too long neglected and delayed. Gen. Greene, Mr. Speaker, was born in Rhode Island and died in Georgia upon his plantation. This plantation was given him by the State of Georgia in recognition of his distinguished services in the War of the Revolution. It is interesting to note he was of Quaker descent and yet became a soldier.

On May 8, 1775, he was commissioned a brigadier general in the Rhode Island troops. He soon became a major general in the Continental Army and participated in the battles of Trenton and Princeton and commanded the left wing of our Army under the eye of Washington, at Germantown, Pa., October 4, 1777. Gen. Greene possessed the confidence and regard of the great commander in chief in an eminent degree, and after the defeat of Gen. Gates at Camden by Lord Cornwallis Washington sent him to command the forces in the South. On the 15th of March, 1781, he engaged Cornwallis in battle at Guilford Court House, about 5 miles from the city of Greensboro, N. C., which city is named in his honor. The battle was one of the most important of the Revolution. It is said Guilford Court House, in results, was an American victory, for it was necessary to the British plan of campaign that they should triumph, and they did not triumph. Greene turned south to free the land from the English, while Cornwallis went north—toward Yorktown. When the news of the battle reached Parliament, Cornwallis claiming it as a victory, Fox declared, "Another such victory would destroy the British Army." The historian Wheeler says:

The effect of this desperate battle (Guilford Court House) was to break down the English power in our State (North Carolina), subdue the Tories, and was the main blow that broke the chain of tyranny which bound our country to England.

The same author says that Greene "was one of the bravest, most sagacious, and most successful officers of the Revolution." He was probably second only to Washington. And I believe to-day that practically the unanimous verdict of the American people is that he was second only to Washington.

We look around us in the National Capital and we see statues to many a distinguished general of foreign birth who aided us—

Lafayette, von Steuben, Kosciuszko, Rochambeau, and others—but of the great generals born in America, Greene was, in my opinion, the most distinguished, if not second to Washington.

Mr. GOULDEN. Will the gentleman permit a question?

Mr. THOMAS of North Carolina. Certainly.

Mr. GOULDEN. Was not this bill reported from the Committee on the Library of the House on one occasion?

Mr. THOMAS of North Carolina. I do not think so. On many occasions it has passed the Senate, but I believe my report is the first from the House committee, of which I am a member.

Mr. GOULDEN. I thought we had it up for consideration in the House last year.

Mr. THOMAS of North Carolina. No; I do not think so. I do not think it has ever been reported from the House committee before. I was asked this Congress to report it by Senator OVERMAN and the Representative of the fifth district [Mr. MOREHEAD], but I have not been able to get it favorably reported before this Congress, and it has not been considered before in the House.

Mr. GOULDEN. I had an impression we considered this question last year.

Mr. THOMAS of North Carolina. No; I think the gentleman is mistaken. Now, Mr. Speaker, there is no question about the importance of this battle ground, and I shall incorporate in my remarks the report of the committee which sets forth its importance. The Battle of Guilford Court House so crippled Cornwallis that he marched north. Greene was called "the savior of the South," and when he died, we are told, he left "a fame that will remain as long as patriotism is admired." Guilford Court House made Yorktown possible.

Mr. MANN. Will the gentleman yield for a question?

Mr. THOMAS of North Carolina. I would prefer to finish first, and then I will answer any questions. The battlefield upon which it is proposed to erect this monument to commemorate Gen. Greene, his officers and soldiers, and the battle, has been reclaimed and adorned by the Guilford Battle Ground Co., a patriotic association incorporated by the Legislature of North Carolina. The State legislature exempts it from taxation and contributes to its maintenance. It is now a beautiful park of about 100 acres of piedmont hill and vale, the title being in the company. It has 25 monuments, among them one to the Maryland troops who fell in the battle, others to signers of the Declaration of Independence, to Gen. Nash, to Gen. Davidson, to Col. Joseph Winston, to Col. Benjamin Cleveland, and other revolutionary heroes and distinguished patriots. It is a mecca of patriotism. Every year, on July 4, many thousands gather there to hear a leading address and short speeches on patriotic but nonpartisan subjects, frequently some revolutionary character or event. The late Gen. Henry V. Boynton said of it that—

The vast body of the Revolutionary patriots of the North should take notice of this North Carolina work—a field preserved and paid for with its history collected and preserved on tablets and monuments.

I hope that the bill will pass under suspension of the rules, and we shall at last erect to Gen. Greene and his soldiers this long-delayed tribute of respect and honor. Now I will answer questions. [Applause.]

Mr. Speaker, I desire to print the committee report as part of my remarks.

The report is as follows:

[House Report No. 1698, Sixty-first Congress, second session.]

The Committee on the Library, to whom was referred the bill (S. 5379) entitled "An act for the erection of a statue of Maj. Gen. Nathaniel Greene upon the Guilford battle ground in North Carolina," respectfully report the same with the recommendation that it do pass with the following amendments:

Strike out all after the enacting clause and insert the following:

"That the sum of \$30,000 be, and the same is hereby, authorized to be appropriated out of any money in the Treasury not otherwise appropriated, for the erection of a monument on the battlefield of Guilford Court House, in Guilford County, N. C., to commemorate the great victory won there on March 15, 1781, by the American forces, commanded by Maj. Gen. Nathaniel Greene, and in memory of Maj. Gen. Nathaniel Greene and the officers and soldiers of the Continental Army who participated in the Battle of Guilford Court House: *Provided*, That the money authorized to be appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and designs for such monument shall be first approved by the Secretary of War, with the assistance of the officers of the Guilford Battle Ground Co., before any money so authorized to be appropriated is expended: *And provided further*, That the site for said monument within the limits of said battlefield of Guilford Court House shall be selected by the Secretary of War and donated free of cost to the United States: *And provided further*, That when said monument is erected the responsibility for the care and keeping of the same shall be and remain with the Guilford Battle Ground Co., it being expressly understood that the United States shall have no responsibility therefor; and it being further understood that said Guilford Battle Ground Co. shall provide for the public use an open highway thereto."

Amend the title as follows: "A bill to provide for the erection of a monument to commemorate the Battle of Guilford Court House, N. C., and in memory of Maj. Gen. Nathaniel Greene and the officers and

soldiers of the Continental Army who participated with him in the Battle of Guilford Court House, N. C."

Bills having the object of the erection of a statue to Maj. Gen. Nathaniel Greene only, have heretofore passed the United States Senate in the Fifty-fourth, Fifty-ninth, and Sixtieth Congresses, and the present, or Sixty-first, Congress.

The Committee on the Library of the House, in considering the Senate bill, deem it wise to erect a monument upon the battlefield of Guilford Court House to commemorate the great battle fought there, as well as in especial memory and honor of Maj. Gen. Greene and the officers and soldiers of the Continental Army who fought with him, thereby somewhat enlarging the scope of the original bill and increasing the Senate's appropriation \$5,000.

A similar appropriation has been made for the Kings Mountain battle ground for a similar amount. The plans, specifications, and designs for the monument are to be approved by the Secretary of War with the assistance of the officers of the Guilford Battle Ground Co.

The monument will probably include inscriptions in honor of Maj. Gen. Greene and other inscriptions in honor of his officers and soldiers, and possibly it might include upon the monument an equestrian statue of Maj. Gen. Greene.

There can be no question of the great importance of the battle, its effect upon our war for independence, and that Gen. Greene was one of the greatest forces of the War of the Revolution. A native of Rhode Island, and a resident of Georgia after the war, this bill furthermore links together New England and the South, and this tribute of respect and honor to Gen. Greene has been long neglected and delayed.

The following part of the Senate Report No. 275 of the Sixtieth Congress, first session, is reprinted herewith:

"Gen. Nathaniel Greene was born in Warwick, R. I., May 27, 1742, and died at his home on Mulberry Grove plantation, on the Savannah River, in Georgia, on June 19, 1786, from the effects of a sunstroke received a few days prior thereto while in Savannah. He left a wife and five children. After the Revolutionary War he removed from Newport, R. I., to this plantation, which was given to him by the State of Georgia in recognition of his distinguished services in the Revolution.

"He was the son of Nathaniel Greene, a preacher of the Quaker denomination and a lineal descendant of John Greene, who came from England, following Roger Williams. On July 20, 1774, he married Catherine Littlefield. He read law, but the times required him for a more active life. On May 8, 1775, he was commissioned a brigadier general in the Rhode Island troops. He soon became a major general in the Continental Army. He participated in the battles of Trenton and Princeton, and commanded the left wing of our Army under the eye of Washington, at Germantown (now in Philadelphia), October 4, 1777, where Gen. Francis Nash was killed. Gen. Greene possessed the confidence and regard of the great Commander in Chief in an eminent degree, and after the defeat of Gen. Gates at Camden by Lord Cornwallis in August, 1780, Washington sent him to command the forces in the South.

"On the 15th of March, 1781, he engaged Cornwallis in battle at Guilford Court House, about 5 miles from the city of Greensboro, N. C., which city is named in his honor. The battle was one of the most important of the Revolution. Though Greene ordered a retreat, he was not defeated. Of it Thomas E. Watson, in his *Life of Jefferson*, says: 'Guilford Court House, in result, was an American victory, for it was necessary to the British plan of campaign that they should triumph, and they did not triumph. Greene turned south to free the land from the English, while Cornwallis went north—toward Yorktown.'

"When the news of the battle reached Parliament, Cornwallis claiming it as a victory, Fox declared, 'Another such victory would destroy the British army.'

"The historian Wheeler says: 'The effect of this desperate battle (Guilford Court House) was to break down the English power in our State (North Carolina), subdue the Tories, \* \* \* and was the main blow that broke the chain of tyranny which bound our country to England.' The same author says that Greene 'was one of the bravest, most sagacious, and most successful officers of the Revolution.' He was probably second only to Washington.

"The Battle of Guilford Court House so crippled Cornwallis that he avoided a second conflict for the time being, and began a retrograde movement, leaving his wounded under the care of the Americans. Gen. Greene then marched to South Carolina, then under the dominion of the British. At Eutaw Springs, on the 8th of September, 1781, a bloody battle was fought, in which Greene routed the enemy. The historian above quoted says that 'after suffering incredible hardships from want of food and clothing for his troops his patience and firmness triumphed over all obstacles. He drove the invaders from the country, and they sailed from Charleston on December 17.' He was called 'the savior of the South,' and when he died we are told he left 'a fame that will remain as long as patriotism is admired.'

"The bill proposes to erect the monument on the battlefield of Guilford Court House. This is the scene of Gen. Greene's greatest and most fruitful work. Of it Mr. Benton, in his *Thirty Years' View*, in his chapter on Nathaniel Macon, says the Battle of Guilford disabled Cornwallis from remaining in the South and sent him to Yorktown, and continues:

"The philosophy of history has not yet laid hold of the Battle of Guilford, its consequences and effects. That battle made the capture of Yorktown. The events are told in every history, their connection and dependence in none. It broke up the plan of Cornwallis in the South and changed the plan of Washington in the North. Cornwallis was to subdue the Southern States, and was doing it until Greene turned upon him at Guilford. Washington was occupied with Sir Henry Clinton, then in New York with 12,000 British troops. He had formed the heroic design to capture Clinton and his army (the French fleet cooperating) in that city, and thereby putting an end to the war.

"All his preparations were going on for that grand consummation when he got the news of the Battle of Guilford, the retreat of Cornwallis to Wilmington, his inability to keep the field in the South, and his return northward through the lower part of Virginia. He saw his advantage—an easy prey—and the same result if successful. Cornwallis or Clinton, either of them captured would put an end to the war. Washington changed his plan, deceived Clinton, moved rapidly upon the weaker general, captured him and his 7,000 men, and ended the Revolutionary War. The Battle of Guilford put that capture into Washington's hands, and thus Guilford and Yorktown became connected, and the philosophy of history shows their dependence and that the lesser event was father to the greater. The State of North Carolina gave Gen. Greene 25,000 acres of western land for that day's work, now (in 1854) worth a million of dollars, but the day itself has not yet obtained its proper place in American history."



"This battlefield has been reclaimed and adorned by the Guilford Battle Ground Co., a patriotic association incorporated by the Legislature of North Carolina. The State legislature exempts it from taxation and contributes to its maintenance. It is now a beautiful park of about 100 acres of piedmont hill and vale, the title being in the company. It has beautiful groves; meadows; abundant waters, including Lake Wilfong; springs; grass plats; a keeper's home; association buildings; a museum filled with Revolutionary relics, many of them of rare value; a pavilion with a large seating capacity; and has 25 monuments, among them one to the Maryland troops who fell in the battle, others to signers of the Declaration of Independence, to Gen. Nash, to Gen. Davidson (these two erected by an act of Congress), to Col. Joseph Winston, Col. Benjamin Cleaveland, and other Revolutionary heroes and distinguished patriots.

"A line of the great Southern Railway traverses the battlefield. The relative positions of the opposing forces are shown by granite markers. It is a mecca of patriotism. Every year on July 4 many thousands gather there to hear a leading address and short speeches on patriotic but nonpartisan subjects, frequently some Revolutionary character or event.

"The late Gen. Henry V. Boynton said of it that 'the vast body of the Revolutionary patriots of the North should take notice of this North Carolina work \* \* \* a field preserved and paid for, with its history collected and preserved on tablets and monuments.'

Mr. MANN. I understood the gentleman to say Congress has passed bills three or four times providing—

Mr. THOMAS of North Carolina. The Senate, I said.

Mr. SHEPPARD. Has this North Carolina association ever received any aid from the Federal Government?

Mr. THOMAS of North Carolina. None, except that when W. W. Kitchin, our former colleague, now the present governor of North Carolina, was in Congress he secured the passage of an act to erect two arches at the entrances of Guilford Court House battle ground in memory of Gens. Nash and Davidson, to carry into effect an act or resolution of the Continental Congress. That much has been done by the Federal Government, and nothing more.

Mr. SHEPPARD. Beyond that, however, the State association has assumed all the expense?

Mr. THOMAS of North Carolina. Has assumed all the expense.

Mr. PARSONS. Will the gentleman yield to me a minute?

Mr. MANN. I yield to the gentleman.

Mr. THOMAS of North Carolina. I yield, also.

Mr. PARSONS. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the amendments were agreed to, and the bill as amended was passed.

#### IMPROVEMENT OF NAVIGATION IN ST. LAWRENCE RIVER.

Mr. YOUNG of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 32219.

The SPEAKER. The gentleman from Michigan [Mr. YOUNG] moves to suspend the rules and pass the bill H. R. 32219, which the Clerk will report.

The Clerk read, as follows:

A bill (H. R. 32219) to provide for the improvement of navigation in the St. Lawrence River and for the construction of dams, locks, canals, and other appurtenant structures therein at and near Long Sault, Barnhart, and Sheek Islands.

*Be it enacted, etc.,* That the Long Sault Development Co., a corporation organized under a law of the State of New York, entitled "An act to incorporate the Long Sault Development Co., and to authorize said company to construct and maintain dams, canals, power houses, and locks at or near Long Sault Island, for the purpose of improving the navigation of the St. Lawrence River and developing power from the waters thereof, and to construct and maintain a bridge, and carry on the manufacture of commodities," which became effective May 23, 1907, its successors and assigns, be, and they hereby are, authorized to construct, maintain, and operate for navigation, water power, and other purposes for a period of 99 years a dam or dams in so much of the St. Lawrence River as lies south of the international boundary line between the United States of America and the Dominion of Canada, near Long Sault, Barnhart, and Sheek Islands, either independently or in connection with like works now erected or to be erected in so much of said river as lies north of said international boundary line, with a bridge or bridges and approaches thereto, and a lock or locks, a canal or canals, and other structures appurtenant thereto: *Provided*, That such dam or dams, lock or locks, canal or canals, and other structures appurtenant thereto, except as herein otherwise provided, shall be constructed, maintained, operated, modified, or removed in all respects subject to and in accordance with the provisions of the act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,'" approved June 23, 1910: *Provided further*, That such bridge or bridges and approaches thereto, except as herein otherwise provided, shall be constructed, maintained, operated, modified, or removed in all respects subject to and in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *And provided further*, That the Secretary of War shall cause a survey of that portion of the St. Lawrence River to be affected by said improvements to be made with a view to securing a navigable channel, suitable for commerce up and down said river, from a point opposite the western end of Croil Island to a point opposite the eastern end of Barnhart Island, together with plans and specifications therefor, and all rights herein granted to the Long Sault Development Co. shall be conditional on its improvement of said channel

at its own expense, in accordance with said plans and specifications, said channel to be completed simultaneously with the other works herein authorized, all expenses connected with such survey and the preparation of such plans and specifications to be paid by the said company, its successors, or assigns.

SEC. 2. That said Long Sault Development Co., its successors and assigns, shall be subject to the provisions of the treaty between the United States and Great Britain relative to the boundary waters between the United States and Canada, proclaimed by the President of the United States on the 13th day of May, 1910.

SEC. 3. That the actual construction of the works hereby authorized shall be commenced within two years and shall be completed within 15 years from the date of the passage of this act; otherwise this act shall be void, and the rights hereby conferred shall cease and be determined.

SEC. 4. That if said Long Sault Development Co., or any other company or companies acting with it in such development, shall develop power by the construction of works a part of which shall be located north of the international boundary line, at least one-half of the power generated shall be delivered in the United States: *Provided*, That when in the opinion of the Secretary of War and the Chief of Engineers use can not be found in the United States for the full share thus assigned to this country the surplus may be temporarily diverted to Canada, but shall be returned to the United States when in the opinion of said officers it is needed: *Provided further*, That nothing herein contained shall be construed to prevent the importation from Canada of the whole or any part of the power generated from any of the said works in the St. Lawrence River.

SEC. 5. That should the works hereby authorized be or become at any time, in the opinion of the Secretary of War and the Chief of Engineers, inadequate to accommodate, or an interference with, the navigation of that portion of the St. Lawrence River affected thereby, said company, its successors or assigns, shall, under the supervision of the Secretary of War and the Chief of Engineers, make adequate provision for the accommodation of navigation; and should said company, its successors or assigns, fail so to do the United States Government shall, under the supervision of the Secretary of War and the Chief of Engineers, do anything required to make such provision for navigation, and the expense thereof shall constitute a debt of said company, its successors or assigns, and a lien upon all its property.

SEC. 6. That the Long Sault Development Co. shall execute a bond obligatory on itself, its successors and assigns, with good and solvent sureties in the sum of \$500,000, payable to the United States, for the use and benefit of the riparian and other landowners in and among the St. Lawrence River conditioned to pay all damages that may accrue to them, or any of them, by reason of overflow, ice jams, and other causes produced by the erection or maintenance of said dam or dams, and the work of construction shall not commence until said bond is executed and approved by the Secretary of War and deposited in the War Department.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the United States shall incur no liability because of the alteration, amendment, or repeal thereof.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I demand a second.

Mr. YOUNG of Michigan. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Michigan [Mr. YOUNG] is entitled to 20 minutes, and the gentleman from Mississippi [Mr. HUMPHREYS] to 20 minutes.

Mr. YOUNG of Michigan. Mr. Speaker, this bill is in reality a committee substitute for a bill introduced by the gentleman from New York [Mr. MALBY], the local Member of Congress from the district where the proposed works authorized in this bill are to be situated. The St. Lawrence River is navigable from Lake Ontario to its mouth, except at certain rapids. One of these is the Long Sault Rapids. Down them very few boats can go, and up them no boat can go. If the river is to be navigable at all within its boundaries, these rapids must be improved.

Some time before the introduction of this bill in Congress the State of New York, by a special act, granted a charter to the Long Sault Development Co. for the development of power at the Long Sault Rapids. The State of New York was the owner of the bed of the river, and, under the law, had a right to develop, or to leave to others the right to develop, power. It transferred that right for a large and valuable consideration in the form of a rental to the Long Sault Development Co. The matter now comes up for the authorization of Congress in the interests of navigation. Your committee examined the matter with great care, and we have provided in this bill that as a condition for granting these rights to the Long Sault Development Co. it shall make a navigable channel suitable for commerce up and down the rapids through this entire stretch of bad water.

That is the condition imposed upon it; and that it shall do that to the satisfaction of the Secretary of War and the Chief of Engineers; and that they shall then keep that channel in a condition satisfactory to such officials, that if the changing needs of commerce shall from time to time require greater facilities, it shall furnish them at no cost to the Government of the United States; and in no case shall the Government of the United States be responsible for the cost of any changes; and if these parties fail to make them, the United States can make them at their expense. The result of all this is that these parties are required to do at their own expense as a condition for using the water power owned by the State of New York

just exactly what the Nation would have to do at its own expense to improve the river if we did not pass this legislation.

Mr. SULZER. Will the gentleman yield for a question?

Mr. YOUNG of Michigan. Yes, sir.

Mr. SULZER. Was this bill unanimously reported from the committee?

Mr. YOUNG of Michigan. Yes, sir. There is no minority report.

Mr. SULZER. Is it not a fact that the authorities of the State of New York are opposed to the passage of this bill?

Mr. YOUNG of Michigan. No, sir. The State of New York is favorable to the passage of this bill.

Mr. SULZER. I understand the State of New York at the present time is not in favor of this bill, and that there is going to be an effort made to repeal the law which was passed a year or so ago.

Mr. YOUNG of Michigan. I think the gentleman is entirely mistaken, because the State of New York has known from day to day what we were doing here, and has made no objection. I now yield five minutes to the gentleman from Louisiana [Mr. RANDELL].

Mr. SULZER. Let me ask the gentleman if the authorities of New York were represented before the committee in favor of or in opposition to the bill.

Mr. YOUNG of Michigan. They were not. I think I know what the gentleman has in mind. The State of New York asked the committee to refrain from passing the additional legislation in regard to Niagara River until they could examine the question, but that was not this bill.

Mr. SULZER. My information is that the State of New York is now opposed to this bill.

Mr. RANDELL of Louisiana. Mr. Speaker, I had the honor to be a member of the subcommittee which had charge of this measure. We devoted a great deal of time to its investigation. The proposal to put a great lock and dam in the St. Lawrence River with a view to generating 500,000 horsepower is one of considerable importance. This dam is to be constructed at a point in the State of New York where few people are living. It is almost a desert section, at a point where there are great rapids in the river, these rapids being overcome by a canal on the Canadian side and the elevation being surmounted by seven locks. The work under contemplation proposes to do away with the necessity for these seven locks; to permit the navigation using the canal to pass up and down the main river through a single lock; and where there are now seven locks there will be one. In my judgment it is distinctly in the interest of navigation. Not a dollar is to be expended by Congress.

As stated by my colleague, Mr. YOUNG, this company has secured a grant from the State of New York. It owns all the riparian rights. It is proposed to make it give a bond for any damages that may accrue to individuals. This bill is safeguarded in every imaginable way. The right of Congress to alter, amend, or annul it at any time is reserved. In my judgment the passage of this bill will result in a great work at that point, a work that will cost at least \$40,000,000, a work that will generate half a million horsepower that is now going to waste. For time immemorial the waters of this great stream have run down to the sea without being utilized, absolutely wasted.

This private corporation under grant from the State of New York and without one dollar of expense to the Government proposes to create something there where nothing exists now.

I wish to say, as suggested by my colleague Mr. MADDEN, that the company proposes to pay a very material rental every year to the State of New York for this grant. It is paying a small sum now, but when the works are completed a very considerable sum will be paid.

Mr. SULZER. How much?

Mr. RANDELL of Louisiana. It depends upon how much power is generated; but it will be a very considerable sum if the full amount contemplated is generated. Associate Justice Hughes, of the United States Supreme Court, was governor of New York when the measure was passed, and he is said to have investigated it with the greatest care. It received thorough consideration on the part of that great man and was approved by him as being distinctly in the interests of the Commonwealth of New York.

Mr. SULZER. Will the gentleman tell us who is behind this franchise—who is going to put up the \$40,000,000?

Mr. RANDELL of Louisiana. I understand that it is the Aluminum Co. of America.

Mr. SULZER. That may be a big company, but I never heard of it.

Mr. RANDELL of Louisiana. It is a big company, but there are some things the gentleman has not heard of. This company proposes to generate there a large amount of horsepower.

Mr. SULZER. Will the gentleman mention the names of the men interested in this company?

Mr. RANDELL of Louisiana. The president of the company is Mr. Davis, of the city of Pittsburg, who appeared before the Rivers and Harbors Committee, along with a number of other gentlemen who were associated with him. We thrashed the project out before that committee day in and day out for several weeks, hearing both sides and giving the fullest consideration to both sides of the controversy, for some people are opposed to it.

Mr. SULZER. Now give us the names of some of the gentlemen who are opposed to the bill.

Mr. RANDELL of Louisiana. Mr. Allison, who owns a rival power plant on the river, seems to be at the head of it, and there was also a navigation company.

The SPEAKER. The gentleman's time has expired.

Mr. YOUNG of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, while this bill comes with a unanimous report from the Committee on Rivers and Harbors, or, rather, while it comes without the intervention of any minority report, it comes, I will say, without violating any of the secrets of that committee, with the distinct understanding and declaration at the time that there were a number of us who reserved the right to vote for an amendment, when the bill reached the House, limiting the privilege or permit that Congress is asked to grant to 50 years, but for reasons that I understand fully this bill is brought up under suspension of the rules when no amendment is possible. This was done, I know, not because it was desired by those in charge of the bill to cut us off unnecessarily from the privilege of amending it, and certainly not in any bad faith on their part in view of the understanding in the committee, but because of the fact, which is known to us all, that calendar Wednesday is preempted, and perhaps the only possible way to get this bill before the House was under suspension of the rules, and as we can not possibly pass it with the privilege of an amendment I have demanded a second, and without the privilege of voting to limit the grant in this bill to 50 years I shall oppose it.

Mr. SHEPPARD. May I ask the gentleman a question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. SHEPPARD. This bill gives a perpetual franchise?

Mr. HUMPHREYS of Mississippi. No; it is not perpetual in this bill. The Aluminum Co. of America, which controls the entire output of aluminum in this country, has under another name been granted a charter by the State of New York, which is perpetual, and under that charter they have acquired rights to go into this river and to develop water power.

They have acquired property on both sides and due consideration of course will be had for the riparian owners if they are injured by flowage or by ice jams in the river. They have gone to the State of New York and made an arrangement with the proper State authorities under which arrangement they will pay the State an exceedingly small rental, in my opinion; but that I conceive is none of my business. They made an arrangement with the State of New York to pay annually in no instance less than \$25,000; 75 cents per horsepower up to 25,000 horsepower and 50 cents per horsepower after that up to 100,000 horsepower, and beyond that 25 cents per horsepower. It is believed by engineers who have examined it that the horsepower development here will equal 500,000, the greatest horsepower development ever undertaken in all the history of this world, possibly twice as much as is developed at Niagara to-day, and under the grant by the State of New York this single company is to control this magnificent water power throughout all the years of time.

Mr. SHEPPARD. Is not that practically a perpetual franchise?

Mr. HUMPHREYS of Mississippi. I shall come to that. They came to Congress then and asked Congress for permission to go into this river and erect these dams, improve the navigation of the river and operate these dams and locks under the supervision of the Secretary of War. It was insisted that Congress had nothing to do with the limitation of the time, that if the State of New York saw fit to grant a perpetual charter it was none of the business of Congress to interfere. I am perfectly willing to agree with that, so far as the State of New York can act, but it has come to us by the chance of fate or perhaps by the fate of chance that we are to pass judgment upon it here, in so far as the Federal Government is concerned.



They can not go into this river and do anything without the consent of Congress. When they came to this Congress and asked for that permission we inserted in the bill that they might come in and make improvements under the supervision of the Secretary of War and the Chief of Engineers for the term of 99 years.

Mr. BUTLER. Mr. Speaker, I understand that the Government has some right at that point, or else we would not be here considering this bill.

Mr. HUMPHREYS of Mississippi. That is my position exactly. If we had no power to act, they never would come to Congress. We have absolute power, and nothing can be done until we act, and my objection is that we are making an exception in this bill in favor of this company that does not apply to any other company. We passed at the last session a general dam act, and under the provisions of that law no company can build a dam across any navigable stream in this country, except under the limitations of that bill, which is fixed at a period of 50 years, except such companies as may at that time have entered upon an enterprise of that sort, and had expended a certain amount of money. This company is the only one, so far as I know, that comes within that exception, and the proposition now comes to us to except this company from the provisions of the bill which applied to all other companies, giving them a lease for 99 years instead of 50 years.

Mr. BUTLER. I would like to ask the gentleman if the Government has any practical rights here, and if the Government is asked to part with that, how much is the Treasury of the United States to be helped by it?

Mr. HUMPHREYS of Mississippi. How much is the Treasury—I did not catch the question of the gentleman.

Mr. BUTLER. If the Government has any rights to part with, what benefit will the Government obtain?

Mr. HUMPHREYS of Mississippi. The Government will obtain a benefit from this bill, in my opinion a very great benefit. I think it would be a great aid to navigation, and the improvement will be made there without a single dollar of cost to the Government. My objection is not to that. I believe the bill is properly safeguarded, but I believe that we ought to fix a time at which this privilege should end.

Now, it is insisted that the provisions of this bill are carefully guarded by the right to repeal or to amend the act. We know that amounts to nothing. That puts the burden on the Government. It will be upon us to put a bill through this House and to put a bill through the Senate and then go to the joint commission provided by treaty with Canada and get their consent to it before we can ever ingraft any amendment on it. We agreed with Canada, by solemn treaty, that no such construction as this could be put in the St. Lawrence River without the consent of the Canadian Government, the United States Government, and the approval of this joint high commission, and I believe that hereafter, if we should ever undertake to interfere with the privilege we have granted to this company, we would have to have that same consent.

Mr. AUSTIN. Will the gentleman permit a question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. AUSTIN. Is it not a fact that Congress granted to the Hale Bar Development Co., just below Chattanooga, a perpetual franchise?

Mr. HUMPHREYS of Mississippi. No; they held them to 99 years.

Mr. AUSTIN. Does the gentleman think that any company with means sufficient to develop this water power and improve navigation will go on and expend \$40,000,000 on a 50-year franchise?

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I heard the chairman of the great Committee on Rivers and Harbors, when that question was submitted to him, say that this was a bill to float steamboats and not to float bonds, and I am going to make that reply to the gentleman.

Mr. AUSTIN. But does the gentleman think he could proceed on that theory—

Mr. HUMPHREYS of Mississippi. I do not know. I never undertook to finance a \$40,000,000 corporation or to float its bonds.

Mr. SULZER. Is the gentleman in favor of perpetual franchises?

Mr. AUSTIN. Yes; where it means as much for navigation, the development of our resources, the expenditure of \$40,000,000, and a just revenue to the State of New York as this company proposes to do.

Mr. HUMPHREYS of Mississippi. How much time have I remaining?

The SPEAKER. Ten minutes.

Mr. HUMPHREYS of Mississippi. I now yield to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Under this bill the entire water power is owned by this development company.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. LONGWORTH. Is there any limit fixed as to what charge they may make to other users?

Mr. HUMPHREYS of Mississippi. None.

Mr. LONGWORTH. The only limit is as to the amount that shall be paid to the State of New York.

Mr. HUMPHREYS of Mississippi. That is all.

Mr. LONGWORTH. They would have the right to charge any amount they saw fit—

Mr. HUMPHREYS of Mississippi. Any amount they can collect.

Mr. LONGWORTH. How much would the capacity of this company be—how much horsepower? I see they expect to develop 500,000 horsepower.

Mr. HUMPHREYS of Mississippi. Well, that question is not satisfactorily answered; perhaps certainly not more than 50,000 horsepower.

Mr. LONGWORTH. Then that would leave 450,000 horsepower that it might dispose of in any way it saw fit.

Mr. YOUNG of Michigan. If the gentleman will permit—

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I can not yield now; the gentleman can explain in his own time. Now, Mr. Speaker, I do not object to this because it is a corporation that is being granted this franchise. I have no quarrel with corporations as such. I do not object to it because it is big business, because it is a great corporation, because it is the greatest undertaking in all the history of this country. I am willing to give the permission of Congress to this great corporation, to this great giant, because it will require a giant to go into that river and harness the power that is now running to waste, but I do not want to create a giant that will prove a Frankenstein monster to return and plague us. It is not advisable, in my opinion, for us to give, so far as it lies in our power, to any one company the right, the exclusive right, to go into that river for any purpose for all the years of time. And I believe it ought to be subjected to exactly the same limitations which apply to every other company when they undertake to build a dam across any other stream in this country for the purpose of developing water power, and that is 50 years.

I now yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, the bringing of this very important bill into the House to be passed under suspension of the rules shows again the absolute necessity for another amendment to the House rules. There should be a suspension calendar, so that gentlemen may know what measures are to be considered, and especially that any measure of this magnitude is to come up. It is just as important to have a suspension calendar as to have a Unanimous Consent Calendar. In my judgment, if the committee will pardon me for saying it, it is asking a good deal to ask the House of Representatives to pass a bill of this character under suspension of the rules and after a debate of only 20 minutes on a side. It involves the expenditure of \$40,000,000. It involves the giving to a private corporation the control, practically, of a great stream, one of the most important in the world, and gives it to them for 99 years.

Mr. SULZER. Perpetuity.

Mr. COOPER of Wisconsin. Practically. It seems that there was objection made to the bill while before the committee. We have been told that there appeared before the committee a little man who made some complaint, as did also a transportation company. I would like to know what the objections of the little man were, and also what protests the transportation company made.

I am opposed to legislating in this way. I will not vote to give any corporation a 99-year franchise in the St. Lawrence River after only a 20-minute debate on either side of the House and with no opportunity for amendment.

Mr. HUMPHREYS of Mississippi. Does the gentleman from Michigan intend to conclude in one speech? I suggest that he use his time.

Mr. YOUNG of Michigan. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. YOUNG of Michigan. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. MALBY].

Mr. MALBY. Mr. Speaker, the objections to the passage of this bill would seem to be those only stated by the gentleman from Mississippi [Mr. HUMPHREYS] with reference to the extent of this franchise.

I think it must be conceded by all that the State of New York, as well as most other States in the Union, owns the bed of navigable streams and also owns the water power. This being so, this company sought the proper authority, to wit, the Legislature of the State of New York, and was granted by it a perpetual franchise and charter, in consideration of the company paying to the State of New York, when the full maximum power of 500,000 feet is ever reached, \$156,000 a year, and also bearing the entire expense of making suitable provisions for navigation. It is not exempted from taxation for any other purposes whatsoever. The Government of the United States has no property rights in this enterprise. The only right it has is to provide for navigation, which is derived from that provision of the Constitution which authorizes Congress to regulate commerce. So far as the business proposition is involved, it is entirely within the jurisdiction of the State of New York and with which the Government of the United States has no interest and is without authority. We have made no objection to Congress inserting anything in this bill which it thought necessary to protect and improve navigation, and we have raised no objection to the Committee on Rivers and Harbors inserting in this bill any condition which they please to improve commerce, which is their constitutional right. And they have no other authority or right, I respectfully insist, legal or equitable, under the Constitution.

Mr. SULZER. Will the gentleman be content to limit this valuable franchise to 25 or 50 years?

Mr. MALBY. No; we would not. Nobody would undertake to expend \$40,000,000 on the St. Lawrence River at a point where there is not a single horsepower demanded at the present time and which will require 10 or 15 years to develop under a 50-year franchise, and no one ought to be found outside of an insane hospital who would suggest that even with a 50-year franchise anyone would be so foolish as to invest his money in it.

With all due respect to my friends here, I submit, as a matter of law, that the National Government has no legal right to limit the lifetime of a corporation where it has received its charter from a sovereign State, the State alone having absolute power to determine the lifetime of a charter created by it.

Mr. PARSONS. Will my colleague yield to a question?

Mr. MALBY. I will.

Mr. PARSONS. What is the effect of section 7 of the act, which reserves the right to alter, amend, or repeal the act, and provides that the United States shall incur no liability because of the alteration, amendment, or the repeal? Even if they had spent their \$40,000,000, could not the Congress then repeal the act?

Mr. MALBY. That is one of the safeguards that is mentioned in the bill. Congress has the right to repeal this charter at any time, without the 50 years' limitation, or without a 10-year limitation, or, indeed, without the limitation of any time, should they see fit for good reason to do so.

So that a limitation in this bill means very little, except that it would be impossible to float any bonds whatever upon such a project by reason of the fact that investors would be frightened by such a provision. Now, I want to say one word in reference to the suggestion of my friend from New York, Mr. SULZER. This matter has been in Congress four years. It has been considered by the River and Harbor Committee during all of that time. Two committees have visited the site in question, one recently, during the fall. The Secretary of War, the Chief Engineer of the United States, the International Waterways Commission have considered it, and it has met with the unanimous approval of all. It applies to the district I have the honor to represent. I know very well that in order to set this gigantic proposition in motion it is absolutely necessary that the bill should be passed as it is and without limitations.

Furthermore, not one word of objection has ever come to any Member of Congress that I have heard of, certainly to no committee having the matter in charge, that the State of New York objected to it. More than that, I heard a rumor such as the gentleman from New York mentioned, that the New York authorities were opposed to this measure, and I telegraphed to Mr. Merritt, of St. Lawrence County, who passed the bill four years ago in the New York Legislature, and asked him the question whether anyone in authority in New York State was opposing the passage of this bill, and in reply thereto received a telegram from him this morning which reads as follows:

Am assured no interference whatsoever. Have written.

E. A. MERRITT, JR.

And a little later a further telegram, reading as follows:

ALBANY, N. Y., February 7, 1911.

Hon. GEO. R. MALBY,

House of Representatives, Washington, D. C.:

Gov. Dix directs me to assure you that he has not interested himself in matter of the Long Sault Co., and has not authorized any person to express for him any wish or opinion, officially or otherwise, regarding the bill pending in Congress affecting such company.

E. A. MERRITT, JR.

So far as I know there is no objection anywhere, and if this enterprise is to go on the company must have the 99-year provision that is mentioned in the bill, and I trust the House will enable them to make some use of this marvelous water power which for centuries has contributed no good to any live human being wherever he may reside. [Applause.]

Mr. HUMPHREYS of Mississippi. I now yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, as one of the members of the committee, I voted to report this bill to the House, because I think that it is properly safeguarded in every respect, except as to the time of the grant. I did object to that feature of it, and I regret very much that it has been brought into the House under the suspension of the rules, where no opportunity is given for amendment. I am not criticizing the gentleman who brought it in, however, because we all know the emergency that now exists in trying to get legislation through. But I do not believe that we ought to grant a franchise for 99 years. I see no reason why this company should be made an exception simply because it is a large company. That does not appeal to me as a reason why it should be 99 years instead of 50 years, the same as we grant to others.

For that reason, as much as I regret it, I believe the House ought not to pass the bill in the shape in which it now is. As I said in the beginning, I think the bill is well guarded. It is a great undertaking, and it will be of advantage in many ways to the Government, but I do not believe we can afford to make an exception in this particular as to this company.

Mr. MARTIN of South Dakota. I would like to ask the gentleman a question.

Mr. HUMPHREY of Washington. I will yield.

Mr. MARTIN of South Dakota. I would like to get the gentleman's opinion as to how the bill, if passed, would affect what is the commonly understood policy of the Government in conserving the control of water power.

Mr. HUMPHREY of Washington. I do not think there is any danger in that regard. I think the interests of the Government are properly conserved, except I do not believe that we ought to extend the permit to 99 years.

Mr. HUMPHREYS of Mississippi. I now yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this bill contemplates the greatest development of water power ever before attempted under one charter. The capital stock of the Long Sault Development Co. is \$1,000,000. It is all owned by the Aluminum Co. of America, which has a paid-in capital of \$20,000,000 and has the absolute monopoly of aluminum in the United States. The Long Sault Development Co., chartered by the State of New York, May 23, 1907, is given by its charter the exclusive right for all time to the use of the waters of the St. Lawrence River for the development of electrical power "at or near Long Sault Island." The amount expected to be developed is a minimum of 500,000 horsepower. The total developed and potential electrical horsepower for the United States in 1908 was 1,827,000 horsepower, and the total developed at Niagara was 274,040 horsepower.

This is a most important measure, not only to the people of the State of New York, but to the people of the entire country. It should not be rushed through Congress. It ought not to be brought up now for expedition under a suspension of the rules, with no opportunity for amendment or thorough consideration by the membership of this House. I am informed the authorities of the State of New York at the present time are opposed to this bill, and that an effort is going to be made to repeal the State charter; but be that as it may—

Mr. YOUNG of Michigan. Will the gentleman give the source of his information?

Mr. SULZER. I refer the gentleman to the Hon. Charles E. Littlefield, a former Member of this House.

Mr. YOUNG of Michigan. He was the gentleman that appeared before the committee stating that he represented 10 or 12 companies in his opposition, and afterwards admitted that he represented but one.

Mr. SULZER. I have great respect for Mr. Littlefield's judgment. Does the gentleman from Michigan dare to challenge his assertions?

Mr. YOUNG of Michigan. In that respect, yes.

Mr. SULZER. Very well; but let me say to the gentleman that if this franchise bill does not go through to-day, watch out, because I think Mr. Littlefield will stop it. [Laughter.]

Now, Mr. Speaker, it appears from the statements we have before us that the compensation reserved by the State of New York in its charter is grossly inadequate. If the State of New York and the United States believe that their natural resources should be properly conserved, I submit that it should not begin the process of conservation by contracting for a compensation



for all time that is grossly inadequate, and with the peculiar provision that might, by virtue of the action of the Canadian Government in asserting its proper rights, deprive the State of New York of substantial compensation. It is believed that when the Canadian Government acts with full information and in accordance with its present well-settled policy, it would not dream of granting these vast rights under conditions which make them practically a princely gift rather than the assumption of any burden appreciable in its character by the donees of the rights.

In his presidential message at the opening of this Congress, President Taft indicated clearly the policy that should be pursued by the Federal Government, which would require a leasing—

for not exceeding 50 years upon a proper rental, and with a condition fixing rates charged to the public for units of electric power; both rentals and rates to be readjusted equitably every 10 years by arbitration or otherwise, with suitable provision against assignments to prevent monopolistic combinations.

Congress adopted a similar policy at the Sault Ste. Marie with reference to the Michigan Lake Superior Power Co., then in the hands of receivers, with an expenditure of about \$7,000,000 already made in developing water power, when it provided—

That a just and reasonable compensation shall be paid for the use of all waters or water power now or hereafter owned in said St. Marys River by the United States, whether utilized in said river or in any lateral canal (Michigan Lake Superior Power Co.), said compensation to be fixed by the Secretary of War.

What is the proposition before us? We are asked to ratify a franchise admitted to be worth at least \$40,000,000, but in reality estimated to be worth hundreds of millions of dollars, which gives to a private corporation the power rights of the St. Lawrence River, the greatest power monopoly perhaps outside of Niagara Falls in this country. There is another bill pending in the Committee on Rivers and Harbors, from whence this bill comes, to give another company the power monopoly of Niagara Falls, but there has been so much opposition to it that the committee have not dared to report it. These bills should not be passed without conserving the rights of the people. We represent the people here, and we should conserve the people's rights. I have listened to speeches in this House for months and years against granting monopolies in water powers. Here is an opportunity to practice what we preach. Here is a chance to conserve the rights of all the people. No man in favor of real conservation of our natural resources can vote for this bill, which violates every principle of our conservation policy.

In conclusion, let me say this bill ought not to pass to-day. It should come up in the regular way, and every Member given an opportunity to debate it and to amend it. In the judgment of those most familiar with the underlying facts the Congress will not be justified in concurring with the New York Legislature in making effective its attempt to turn over to the Aluminum Co., with its monopoly of aluminum products, for practically no consideration, the monopoly of these stupendous natural resources of the St. Lawrence River. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. YOUNG of Michigan. Mr. Speaker, just a few words in reply to some of the gentlemen who have spoken. First, I would like to say to my friend from Pennsylvania, who asked a question in regard to the property rights of the United States in this stream, that under numerous decisions of the Supreme Court of the United States they have no property rights in this stream, and the State of New York has, and the State of New York has provided in her statute that she shall be amply compensated for their use. The right the United States has is the jurisdiction to preserve the rights of navigation, and that we have amply provided for in this bill at the expense of this company.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. YOUNG of Michigan. Yes.

Mr. PARSONS. Has the War Department made any objection to this bill?

Mr. YOUNG of Michigan. The War Department has distinctly approved it.

Mr. PARSONS. Has the State Department made any objection to it?

Mr. YOUNG of Michigan. It has not.

Mr. FISH. Will the gentleman yield for a moment?

Mr. YOUNG of Michigan. Yes.

Mr. FISH. Has the State Department been consulted by the committee?

Mr. YOUNG of Michigan. The State Department, as far as I know, has not been consulted; but I will say this, that a representative of the ambassador of Great Britain who was

before us was advised to go before the State Department and consult with the Secretary, and if he had any objection, or if the ambassador after such consultation had any objection, it could be brought to our attention, and we never heard another word from him.

Mr. HUMPHREYS of Mississippi. When did the War Department approve it, and how?

Mr. YOUNG of Michigan. Last winter.

Mr. HUMPHREYS of Mississippi. The bill provides that the War Department shall make examination to ascertain whether or not they will approve.

Mr. YOUNG of Michigan. Oh, no; that is the construction—the work that is to be done.

Mr. MARTIN of South Dakota. Does the gentleman from Michigan claim that the State of New York has any other or further rights over the bed of this stream than any State has over any navigable stream?

Mr. YOUNG of Michigan. Why, certainly; about two-thirds of the States of this Union own the bed of the streams and about one-third do not.

Mr. MARTIN of South Dakota. Then I have probably come to the right source for information.

Mr. HUMPHREYS of Mississippi. Has not the War Department to pass on these plans?

Mr. YOUNG of Michigan. Absolutely.

Mr. HUMPHREYS of Mississippi. But the gentleman stated all they had to do was to pass on the work.

Mr. YOUNG of Michigan. That is the nature of the work. I hope the gentlemen will not take all of my time. Another objection has been raised here. It was suggested that this would mean an exception under the general dam law. Why, this bill is exactly under the general dam law.

The dam law itself provides that franchises shall be limited to 50 years, except in cases where a company has already received a charter from the State or the United States and expended money under it. That is this case. This company has already expended one million and three-quarters of money. Another gentleman asks how does this fit in with the doctrine of conservation? I wish to say that it fits in absolutely. Under the legislation of the State of New York compensation is exacted by that State, and under this bill this company is compelled to provide for navigation. Under this joint legislation of State and Nation the waters of the St. Lawrence River are conserved and taught to do the work of man. Without this or similar legislation they will run to waste in the future, as they have run to waste for countless ages in the past.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. YOUNG of Michigan) there were—ayes 66, noes 84.

So (two-thirds not having voted in favor thereof) the motion was rejected.

#### TO PROTECT LOCATORS OF OIL AND GAS LANDS, ETC.

Mr. SMITH of California. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 32344.

The SPEAKER. The gentleman from California moves to suspend the rules and pass the bill indicated. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 32344) to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest.

*Be it enacted, etc.,* That in no case shall patent be denied to or for any lands heretofore located or claimed under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified persons or person, or to a corporation, prior to discovery of oil or gas therein, but if such claim is in all other respects valid and regular, patent therefor not exceeding 160 acres in any one claim shall issue to the holder or holders thereof, as in other cases: *Provided, however,* That such lands were not at the time of entry into possession thereof covered by any withdrawal.

The SPEAKER. The Chair understands the gentleman to move to agree to the amendment contained in the bill and to pass the bill as amended. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from California [Mr. SMITH] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. SMITH of California. Mr. Speaker, I do not care to occupy the time in discussing the bill other than is stated in the report, unless there are questions which the gentleman desires to propound.

Mr. MANN. If the gentleman does not wish to occupy time in the discussion of the bill, neither do I.

Mr. SMITH of California. Then, Mr. Speaker, I call for a vote.

Mr. JAMES. I think the gentleman ought to explain the bill.

Mr. MANN. We can pass a pig in poke here, I believe, under suspension of the rules.

Mr. SMITH of California. I thought perhaps the gentlemen had read the report, which, I think, states the case fully. In a nutshell, the bill provides for the relief of those who made placer-mining entries, and conveyed them to a corporation or to another party before the discovery of the metal. Now, that practice was followed for a number of years and finally it was stated before the Interior Department, and upon a thorough and careful examination of the law the Interior Department was obliged to conclude that if the conveyance was made before discovery it conveyed nothing, and therefore the grantee had taken nothing from the grantor and could not proceed to patent. Now the department heartily recommends this relief for those who made these conveyances before the new ruling on the law.

Mr. JAMES. Will the gentleman permit a question?

Mr. SMITH of California. Certainly.

Mr. JAMES. It has always been the law, though, that the locator had to be in good faith and had taken the land for his own use.

Mr. SMITH of California. Not necessarily for his own use in mining cases; they were always subject to conveyance before patent.

Mr. JAMES. But I understand that must be the original purpose when he lays claim to the land.

Mr. SMITH of California. Yes.

Mr. JAMES. Now, under this bill which the gentleman has before the House these persons who have gone and made these locations would be denied under the law a patent to land from the Government because they had deeded or contracted to deed that property to corporations. This would give the corporations the right, or rather the men the right, to have this land patented, which in effect would go into the hands of corporations.

Mr. SMITH of California. No; it does not give the right to the corporations. I will ask the gentleman from Wyoming [Mr. MONDELL] to explain this.

Mr. MONDELL. I will say to the gentleman from Kentucky the mining laws are peculiar and differ from all other land laws of the United States in this, that the locator of a mining claim—not a coal claim, but a mining claim—has the right to transfer it at any time. He can agree to transfer even before he makes the location. The difficulty in these cases, however, is this: That the legal initiation of a mining claim depends upon a discovery of mineral, and in case the land contains oil or gas the oil or gas lies at such a depth that the discovery can not ordinarily be made at the time the locator goes upon the land. It requires deep drilling to make the discovery. Now, if the discovery were made, the locator could transfer to a corporation, or various locators could form a corporation, and it would be entirely regular; but in the Yard decision, rendered a few days ago, the department held if the transfer was made prior to the actual discovery it amounted to an abandonment, and that therefore even the locators themselves, though they still retained their interest, if that interest was in the form of an interest in a corporation, could not obtain title to the land.

Now, ever since the placer law has been applied to oil and gas lands the department has paid no attention to the question of when the discovery was made, but in the recent Yard decision they said the discovery must be made prior to a transfer. The department, however, saw that the effect of that decision would be to practically nullify a large number of locations that had been made, and so suggested that we provide that as to locations heretofore made they should be relieved from the effect of the Yard decision, and, if in all other respects the claim is regular, it should go to patent.

Mr. JAMES. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. JAMES. What corporation is this bill primarily introduced for?

Mr. MONDELL. This is practically intended to relieve every oil locator in the United States. I have had some knowledge of the way in which oil locations are made, and I think there are very few cases where the original locators, all of them, as individuals, hold their rights as individuals at the time when the discovery is made, because even though all the original locators retain their interest, they ordinarily retain them in the form of a corporation, because the sinking of a well is a very expensive procedure, and the ordinary individual or co-partnership can not raise the money to carry on the work.

Mr. ROBINSON. Will the gentleman yield?

Mr. MONDELL. In just a moment. So it is intended to relieve the great majority of the oil and gas locators in the United States, and the department was so impressed with the fact that this was practically the universal practice under the placer laws as related to oil and gas lands, that they recommended they be relieved.

Mr. JAMES. If this law does become effective, the result will be that in as much as the Government heretofore provided a citizen could only take up 160 acres of land, it will practically lodge into the hands of corporations many times 160 acres of land?

Mr. MONDELL. I will say to the gentleman, it does not affect the mining law in any respect whatever, except that in passing upon the validity of claims the question as to when the discovery is made, whether it was made by the original locator or made by his grantees, shall not be raised, and it never has been raised in all the history of our Government until the Yard decision a few days ago.

Mr. ROBINSON. Will the gentleman from Wyoming yield to me to make a statement?

Mr. MONDELL. I will be glad to yield to the gentleman to make a statement.

Mr. SMITH of California. I will yield to the gentleman from Arkansas [Mr. ROBINSON] five minutes.

Mr. ROBINSON. Mr. Speaker, this measure has received very careful consideration by the Committee on the Public Lands. The situation existing in the oil-producing sections of the State of California, especially with regard to oil and gas lands, demands that some such legislation be enacted. The statutes that relate to oil and gas lands permit, briefly stating it, persons to enter 20 acres each, and as many as 8 persons to combine their interests. The sole purpose of this bill is to give relief in a class of cases which, in my judgment, are meritorious. It developed in the very extensive hearings had by that committee that in the operations that have occurred, especially in the State of California, it has been necessary for persons to combine their interests, under the statute, in order that capital may be secured to prosecute discoveries and to operate with after discovery. This bill is intended to permit parties to secure patents where the transfers were made prior to discovery, the decision in the Yard case, which has been applied to oil and gas lands by the Department of the Interior, holding that where the transfer was made before the discovery of oil only 20 acres should be patented. It does not in any other respect change the statute.

The hearings developed the fact that the conditions require that some speedy relief be granted, and I sincerely hope that the bill may be passed.

Mr. MARTIN of South Dakota. Are there conflicting claims to any portions of the land that would be affected by this legislation?

Mr. ROBINSON. Not that I know of.

Mr. MARTIN of South Dakota. Is any portion of these lands affected by the withdrawal of June, 1910, referred to in the report?

Mr. ROBINSON. The amendment which the committee adopts provides that such lands were not at the time of entry into possession thereof covered by any withdrawal. This bill does not affect withdrawals.

Mr. MARTIN of South Dakota. Yes; but has the withdrawal been made since the transfer of the claim and before discovery?

Mr. ROBINSON. I did not hear distinctly the gentleman's question.

Mr. MARTIN of South Dakota. I am unable to quite understand the purpose of this legislation. For instance, a location, we will say, is transferred before the discovery is made. If the transferee proceeds and makes a discovery, there is a way for him to proceed.

Mr. ROBINSON. He could not get a patent under the decision in the Yard case for more than 20 acres. This will permit him to get a patent to 160 acres.

Mr. MARTIN of South Dakota. Then the purpose is to give him a larger area?

Mr. ROBINSON. Yes; but the statute now permits a consolidation to be made to an amount of 160 acres, but the departmental construction denies patent where the transfer was made before the discovery.

Mr. MARTIN of South Dakota. The purpose is to allow the transferee to obtain title to 160 acres, whereas the original locator, if it had been held in the hands of the original locator, could not obtain but 20 acres.

Mr. ROBINSON. They could obtain title to 160 acres, provided the discovery had been made before the consolidation.



Mr. MARTIN of South Dakota. But the discovery was made afterwards.

Mr. ROBINSON. Then they could only get 20 acres.

Mr. FOSTER of Illinois. Will the gentleman yield to me?

Mr. ROBINSON. Certainly.

Mr. FOSTER of Illinois. Why is it necessary to secure more than 20 acres?

Mr. ROBINSON. That is a pertinent question, and that was entered into fully in the hearings before the committee. It developed there, and, I think, to the satisfaction of everybody, that it was necessary in order to secure sufficient capital. The investment required for sinking oil wells in the California fields and for the operation of them is very large. It has been disclosed by the hearings that as much as half a million dollars in a single plant was in some instances invested before oil was found, and it is considered necessary, and, in fact, the statute recognizes it by permitting the consolidation of as many as eight entries, to combine the 20-acre holdings for operation.

Mr. SMITH of California. I hope the gentleman on the other side will use a portion of his time.

Mr. MANN. I yield to the gentleman from Illinois [Mr. FOSTER] five minutes.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to ask this question: The gentleman from Arkansas claims that it is necessary to have a larger amount than 20 acres of ground for oil purposes?

Mr. ROBINSON. That is the unanimous statement of men engaged in the operation of oil claims. I want to say that the law now in existence recognizes that fact, because it permits as many as eight separate claims to be consolidated. That is a distinct recognition of the fact. If they had made the discovery before the transfer, the patent would have been permitted, but since the discovery was not made before the transfer, the patent is not permitted to more than 20 acres, notwithstanding discoveries have since been made.

Mr. FOSTER of Illinois. Suppose eight men each have 20 acres of ground and there is oil under it, it is not necessary for those eight men to consolidate in order to lease or do the drilling. The fact is that ninety-nine out of every hundred, I might say, almost universally, men who own land that has oil under it do not develop that land themselves, but lease it to some company, who takes the contract and pays them a royalty. So I am unable to understand, under these conditions as they exist, wherever oil is found in the United States, why it is necessary that they should consolidate and have 160 acres, except that it gives some individuals more territory to drill on; not that they would use it themselves, but that each one of them leases to some party who does the developing.

Mr. PARSONS. They have nothing to lease until they get a patent to it. This is to give them a patent.

Mr. CRAIG. Will the gentleman from Illinois yield?

Mr. FOSTER of Illinois. Yes.

Mr. CRAIG. The gentleman from Illinois assumes that there is oil on the 20 acres, but, as a matter of fact, the men who are affected by this legislation are mere prospectors. They do not know whether there is oil under the 20 acres or not, or whether there is oil under the 160 acres. They go and drill; they drill a hole here and a hole yonder, and spend perhaps \$20,000 or \$30,000 and get nothing, and under the law as it stands to-day they have no right to transfer—

Mr. FOSTER of Illinois. I would like to ask the gentleman this question: In case they find oil on the Government land, do they pay a royalty to the Government?

Mr. CRAIG. In case they find oil, they get their patent under the law, but nobody gets any rights under the mining law until the discovery is made, and the discovery of oil is not made until it comes up out of the ground.

Mr. FOSTER of Illinois. This proposition exists wherever you find oil, that a man goes out and leases land and takes his chances as to whether he finds oil or not, and if he finds oil, then his lease is worth something, but it is not worth a dollar until he does find it, if it is on private land. Now, I have seen a little something of this myself, and I know it is said here that men spend \$20,000 or \$30,000, but that does not make any difference, whether on Government or private land, because the same thing is done on private land in every oil field in the United States.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. FOSTER of Illinois. Yes.

Mr. PARSONS. Has not the gentleman the situation in mind where the oil underlies private land and in such cases can not a corporation do the drilling so as to make the discovery?

Mr. FOSTER of Illinois. Well, they do it under the Government land in the same way.

Mr. PARSONS. They do not; and that is just the difficulty. Mr. FOSTER of Illinois. When they find the oil, then they get the patent.

Mr. PARSONS. If you want to raise money and do it in the form of a corporation, you can not do it now unless you pass this bill, because your chief expenditure is your initial expenditure of drilling your well.

Mr. FOSTER of Illinois. You would meet that difficulty any place, whether on public or private land.

Mr. PARSONS. On private land people can combine in the form of a corporation and spend the money of the corporation in drilling the land, but as the law now is, under this provision referred to, that can not be done on Government land.

The result is that lots of people, not knowing that that was the law because there had never been a ruling on it, as the papers did not show whether there had been a transfer before its discovery or not, and so this decision came only recently—lots of people who wished to discover oil and wished on Government land to make use of the means of raising money that they would in discovering oil on private land, after they made their locations by having a corporation drill and then discover oil, found that the law did not allow that. It is to allow them after they have made their locations to combine together and raise their money and make their discoveries.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER of Illinois. Does that apply to all lands?

Mr. PARSONS. Government lands everywhere—California, Idaho, Wyoming, Oklahoma, Colorado—everywhere.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Kentucky, Mr. JAMES.

Mr. JAMES. Mr. Speaker, my objection to this bill is simply this. The Congress of the United States has made certain laws relative to the patenting of coal and mineral lands. Now, it seems as if every time a corporation gets hold of some of this land and finds out that in order to make its title secure it has to violate the law; they come to Congress and tell us to repeal the law that they have to violate in order to get possession of the land that the ordinary fellow down in my country or anywhere else in the United States is denied the right to title by the Government for the very same reason that the corporation was denied the right and title to that land. The ordinary citizen bows obediently to the law; the corporation or syndicate says repeal it; get it out of our way.

The corporation goes and gets possession of land. They find out that in order to make their title secure they will have to remove a law made and passed by Congress which is in their way. Then they come to Congress and ask us to repeal the law. I believe that every law placed upon the statute books ought to stand there against every applicant, big and little, corporation or private individual, every man alike. Every man should stand upon the same footing; all should look alike and be treated alike.

Now, you take the Cunningham coal claims. There are many men who have gone to Alaska, some of them poor men. They have made claims there under the law. The law has denied those poor men the right to the land, but along comes a mighty syndicate with millions like that back of the Cunningham claims, and it finds in its way the same law the poor man found in his way, but not like the poor do they bow to it, but they come and ask us to repeal it, and let them get it out of their way so that they can get the land. [Applause.] I do not know anything particular about this bill here except what is shown by the report on it, but if the men who deeded this oil land to the corporation could not, as the department said, deed something that they did not then own and did not know of this law and it denied to the ordinary man the right to a patent to that land, the same law denied this corporation the right to a patent to the land. If laws are bad ones repeal them, so that all may benefit by the repeal, but do not enter into the practice of repealing laws for the favored few.

Mr. SMITH of California. Will the gentleman permit a question?

Mr. JAMES. Yes.

Mr. SMITH of California. Does the gentleman not know, as a matter of fact, 10, 12, or 15 years, the Government did give a patent to these corporations and individuals who held guarantees before discovery, and that practice was universal?

Mr. JAMES. The gentleman has asked me a question, and I will try to answer it. All I know is this, that we find the gentlemen who compose a corporation for whom this bill is primarily intended find a law standing in their way that prevents them from getting a title to the public land. That is the same law that applies to every individual in the United States, and I am opposed to making flesh of one and fowl of another. [Applause.] If you are going to make these laws liberal, so

every man can get part of the spoils, then make it that way, but do not make it one way, and then when the poor man runs up on it he has to lay down, and when the rich man or corporation runs up on it they proceed to ask Congress to repeal it.

Mr. PARSONS. This is primarily on behalf of the poor man, because the poor men have to combine to get the money.

Mr. JAMES. I doubt that exceedingly; but whatever the facts, I am opposing the repeal of law for some and the enforcement of it against others.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I would like to ask the gentleman from Wyoming one or two questions. The first is in regard to proposed amendment:

*Provided, however, That such lands were not at the time of the entry into possession thereof covered by any withdrawal.*

Mr. MONDELL. It is not intended to grant this relief to any one entering upon lands covered by withdrawals.

Mr. LENROOT. Does this clause enlarge the general law in any respect?

Mr. MONDELL. Well, I think it makes it better, because it makes it very plain that relief from the Yard decision shall not extend to any one who went upon the lands while they were withdrawn.

Mr. LENROOT. I say to the gentleman: In the law we passed last year this provision is found:

That the rights of any person who at the date of any order of withdrawal, heretofore or hereafter made, who is a bona fide occupant or claimant of oil or gas bearing lands, and who at such date is in diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as the occupant or claimant shall continue in diligent prosecution of said work.

Now, it occurs to me that the last clause in this bill touching this matter may enlarge that somewhat.

Mr. MONDELL. I will say to the gentleman the intent of it was not to enlarge it, if I understand what he means by enlargement, but to make it clear that this relief should not be granted to anyone who was on land when withdrawn. Now, there may be a question as to whether withdrawals of land prior to the passage of the so-called picket bill will be held by the courts to be valid, or if they were held to be invalid, still we insist that whether it be valid or not no one shall have the benefit of the law who was on the land when its withdrawal was made.

Mr. LENROOT. And so far as the law itself is concerned it is limited solely to the question of not refusing a patent because of the transfer.

Mr. MONDELL. I understand, but we limit the relief from the effect of the Yard decision to those who went on land when there was no sort of withdrawal against it of any sort or kind, and the intent was to go further than we did in the picket bill, if possible, and to limit this right to those where there can be no question of good faith.

Mr. LENROOT. Is it not possible with this language the construction would be that where withdrawals have taken place and entries have been made, and the entrymen have not complied with the law, that they, too, will be given the benefit of this law?

Mr. PARSONS. No; it is broader than that. The controversy in the committee, I will say, is this: This relief was sought on property of locators who had gone on oil lands after the Executive withdrawal and before we passed that act; but the committee was unwilling that the act should give any relief to people who had gone on in the face of the Executive withdrawal, even though they claimed, and even though the law may say that the withdrawal was not legal, and we have thought it ought to be wiped out, and that is why the proviso was put on.

Mr. LENROOT. One other question. Under the mining laws is it necessary that the claimant initiate his entry in good faith? That question is suggested here.

Mr. MONDELL. No; not as we understand it under the other land law. He discovers mineral, and it is his to do with as he sees fit. He can, in fact, make a contract before he locates his claim.

Mr. LENROOT. He can make his claim and immediately transfer, without any thought of making the discovery or working the claim himself, and it is perfectly lawful?

Mr. MONDELL. Yes; that has always been the case under our mining laws.

Mr. LENROOT. I yield back the balance of my time.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. I yield two minutes to the gentleman from Alabama [Mr. CRAIG], a member of the committee.

Mr. CRAIG. Mr. Speaker, this bill endeavors to put the oil locator on practically the same footing that the gold locator now is; the difference between the two being that the gold lo-

cator makes his discovery in the first instance, while the oil locator often does large amounts of work without making any discovery at all. In other words, he hardly ever digs unless he finds something on top. If he finds even a little piece of gold his discovery is made, and he or his transferee can get a patent. The oil locator comes along and prospects a piece of land. He has got to drill possibly 2,000 to 3,500 feet deep before he can discover anything whatever. He has no discovery on which to base his patent before doing the work, and sometimes not even after much work is done. Therefore, under the Yard decision, if he transfers to any person whomsoever, his transferee gets nothing. The Yard decision says that the transfer is equivalent to an abandonment of his claim. Then, if the transferee of the oil locator goes ahead and spends his money and makes a discovery, even then he can not get a patent under the Yard decision. This bill is intended to relieve that situation.

Mr. HARDY. Can he lease it without forfeiting his claim?

Mr. CRAIG. There is no provision for leasing at all. He has no title unless he makes a discovery; he has no such interest as would give him a patent. As to the corporation that the gentleman from Kentucky [Mr. JAMES] is so afraid of, I want to say that this bill is intended to relieve hundreds of individual locators, who, under the existing law, have combined their eight separate locations of 20 acres each into a 160-acre tract and are about to be deprived of their patents because of this Yard decision.

These individual locators had to combine, according to the testimony before the committee, in order to get credit upon which to operate their claims; and one of them stated to me that that credit had been withdrawn and that their locations were in jeopardy because they could not get the money upon which to operate; that the Yard decision had rendered their holdings so uncertain that the banks had lost faith in oil developments on Government lands in California, and many locators were absolutely in need of the relief which this bill will provide.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield the balance of my time to my colleague from California [Mr. NEEDHAM].

Mr. NEEDHAM. Mr. Speaker, this legislation is requested by the oil operators in the West. For many years it has been the practice for eight individuals to go upon the public domain, each locating a claim of 20 acres, and then to form either a copartnership or a corporation, then each to deed his claim to such copartnership or corporation, and upon the discovery of oil on 20 acres to obtain patent to the whole 160 acres. Under that policy nearly 200 patents granting 160 acres each have been issued in the State of California alone. During the last year the department decided that in such cases patents could only be issued to 20 acres, and as a result millions of dollars invested in oil in the West was jeopardized and investors refused to put more money into oil development, because it costs from \$25,000 to \$100,000 to make a discovery of oil by the sinking of wells. And the oil development of the West is waiting for the relief asked for in this bill. The oil people of California had a State-wide mass meeting, and they sent to Washington a committee representing all those interested in the oil industry of California, and as a result the Committee on the Public Lands has unanimously reported this bill, which is now before the House of Representatives. Unless we get this relief the development of oil in the West must stop, because people will not invest from \$25,000 to \$100,000 to make a discovery of oil when it is only possible to obtain patent to 20 acres of land. This legislation simply carries out the policy which has been going on for years, and which oil operators and locators have relied upon in good faith, and is not in the interest, as the gentleman from Kentucky [Mr. JAMES] seems to think, of corporations alone, but is in the interest of the locators, the individual miners as well, and is demanded by all of the people of the West, and they are looking to us for this relief. And I say in all sincerity that this legislation ought to be passed without delay.

The SPEAKER. The question is on the motion to suspend the rules.

The question was taken; and two-thirds having voted in favor thereof, the amendment was agreed to, and the bill as amended was passed.

PURCHASE OF EMBASSY, LEGATION, AND CONSULAR BUILDINGS ABROAD.

Mr. LOWDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 30888) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad.

The Clerk read the bill, as follows:

*Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as*



may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment: *Provided, however*, That not more than the sum of \$500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further*, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of \$150,000 at any one place), and which limit shall not thereafter be exceeded in any case except by new and express authorization of Congress.

The SPEAKER. Is a second demanded?

Mr. CULLOP. Mr. Speaker, I demand a second.

Mr. LOWDEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. LOWDEN. Mr. Speaker, the bill before the House, H. R. 30888, authorizes the Secretary of State to acquire in foreign countries sites and buildings for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish such buildings. It further provides that the buildings acquired for the Diplomatic Service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment. It also contains a provision that not to exceed \$500,000 shall be expended for these purposes in any one year, and that not to exceed \$150,000 shall be expended at any one place, except by new and express authorization of Congress.

Under the rules of the House any provision contained in a general appropriation bill for the purchase of an embassy, legation, or consulate, no matter how badly needed, would be subject to a point of order. Therefore at the present time it is practically impossible to secure an appropriation for this purpose. The Committee on Foreign Affairs has been unable to discover any appropriate remedy for this except by the general authorization conferred upon the Secretary of State, which this bill contains. If the bill becomes a law, in the future it will be possible for the proper appropriation bill to make provision, within the limitations of this bill, for those places where the need is most imperative.

This bill has been subject to much consideration by the Committee on Foreign Affairs, and the principle of the bill has been very fully debated on the floor of this House. On January 5, 1909, the bill H. R. 21491, from which the present bill has been evolved, was discussed most thoroughly in Committee of the Whole House on the state of the Union. Much of the opposition to the bill was directed to the matter of form. It was urged strongly that too much discretion was given to the Secretary of State as to the amount to be expended at any one place. Those who favored the bill decided not to bring the matter to a vote, but to attempt to redraft the bill so as to meet the objections as to form. This was done and the bill H. R. 15814, introduced on December 17, 1909, was the result.

The latter bill was identical with the one now before the House, except that it contained no express limitation as to the amount to be expended in any one place. However, in view of the fact that but \$500,000 could be expended under the terms of the bill in any one year, the proponents of the bill urged that this was practically a limitation, and, further, that in some of the capitals of Europe this amount would be required to purchase and furnish a suitable embassy. This limitation was regarded by the House as too large and the bill was defeated.

The committee then, on March 7, 1910, reported out favorably House bill 22312, a bill identical in terms with the bill before the House. The point of order was raised to the bill that it was the same in substance as House bill 15814, which had been defeated, and therefore could not be brought forward again at the same session. Upon being submitted to the House, the point of order was sustained.

The present bill was reported out at this session by the Committee on Foreign Affairs with a favorable recommendation. While it is true that under this bill, with its present limitation, it will not be possible to purchase embassies in some of the capitals of Europe where land has become very expensive, it will be possible, within the limitation of \$150,000, as proposed, to purchase embassies and consulates, while there is yet time, in Mexico, South America, the Orient, and in most of the cities of Europe. A few of the greater cities will have to wait for some other and special legislation.

It will thus be seen that this bill has traveled a long and thorny road, and I submit to the House that I have been a patient and good-natured advocate of the measure. Two years

ago I changed it to meet objections, and a year ago I changed it to meet objections. I now hope that the resources of the gentlemen who have opposed the bill in the past will not be equal to finding some new objection which hitherto has not been raised.

The President, in his last annual message to the Congress, recommended this legislation. He said:

During many years past appeals have been made from time to time to Congress in favor of Government ownership of embassy and legation premises abroad. The arguments in favor of such ownership have been many and oft repeated and are well known to the Congress. The acquisition by the Government of suitable residences and offices for its diplomatic officers, especially in the capitals of the Latin-American States and of Europe, is so important and necessary to an improved Diplomatic Service that I have no hesitation in urging upon the Congress the passage of some measure similar to that favorably reported by the House Committee on Foreign Affairs on February 14, 1910 (Rept. No. 438), that would authorize the gradual and annual acquisition of premises for diplomatic use.

The work of the Diplomatic Service is devoid of partisanship; its importance should appeal to every American citizen and should receive the generous consideration of the Congress.

I also quote the following from a letter of Mr. Bryan, of Nebraska, written in 1906 from Austria-Hungary:

I have been intending for some time to speak of the matter of permanent buildings for our embassies and Vienna is a case in point. Our ambassador at Vienna, Mr. Francis, has had difficulty in finding a suitable place for the embassy. I discussed the subject during my former visit abroad, and my observations on this trip have still further strengthened the opinion that our country owes it to itself as well as its representatives to purchase or erect at each of the foreign capitals a permanent embassy building. At present each new ambassador or minister must begin his official career with a house-hunting expedition, and the local landlords, knowing this, are quick to take advantage of the situation. At one place an American ambassador was recently asked to pay double what his predecessor had paid, and as he was not willing to do this, he is still living at a hotel. There are not many suitable buildings from which to select and our representative is at the mercy of those who control the limited supply. Diplomatic requirements are such that the embassy must be centrally located and sufficiently commodious to enable the ambassador or minister to return the courtesies which he receives. Small apartments are numerous, and there are a few palaces which can be rented, but the former are not large enough and the latter much larger than necessary. Our Government ought to own a building conveniently located and suitable for the offices and home of the ambassador. It must either do this or choose between two systems, both of which are bad, viz, compel the representative to spend more than his salary for house rent or continually increase the salary of diplomatic representatives to keep pace with the growing rent in the capitals of the world.

To throw the burden upon the Government's representative is undemocratic; to risk constantly increasing rent is false economy. It is not in harmony with our theory of Government to have an important branch of the public service open to rich men only, and that is the case under the present system. No poor man can afford to accept an appointment as an American minister or ambassador to any of the principal countries of Europe, and as the years go by the expense of a diplomatic residence will become greater as the value of urban property increases. While the telegraph and the cable have somewhat decreased the responsibility of the foreign representative, by bringing him into closer contact with the home Government, still much depends upon the ability, the sagacity, and the discretion of those whom we send abroad. Our Government ought to be in a position to select from the whole citizen body those most competent for the work to be intrusted to them, and it goes without saying that efficiency in the public service is not measured by the amount of money which an official has either inherited or accumulated.

There is another argument in favor of the building of permanent embassy buildings which ought to have weight with our people. If diplomatic representatives are chosen only from those who are able to spend more than their official incomes, it naturally follows that some will be richer than others and that the establishments maintained will differ in expensiveness. In fact, experience has shown that a new representative is sometimes embarrassed by the lavish expenditures of a preceding one. The standing of our Nation abroad demands that our ambassadors and ministers shall live in a style in keeping with our ideas, and extravagance is as offensive as parsimony. By owning its own embassy buildings our Government can regulate the standard of living and entertainment of those who represent it at foreign courts. There is no doubt that our Nation must ultimately come to this plan, and the sooner it adopts it the better.

I wish to state, as briefly as possible, some of the considerations which have impelled me to the advocacy of this bill. In the first place, there ought to be no position in the public service which is beyond the reach of the trained, but poor man. Under existing conditions, only the very rich can afford to represent this country abroad. Rents are enormously high in the older cities of the world, and constantly tend to grow higher, and even a simple and unpretentious home costs many of our foreign representatives more than half of their salary. How can you expect them to live upon the remainder?

Besides, in many of the large cities it is impossible to rent any sort of suitable place, however modest, without waiting for a year or two.

Mr. Andrew D. White, while ambassador to Berlin, was practically ousted from an apartment which he rented, as the whole building had been sold to the Grand Duchy of Baden, to be used as its legation.

It does not comport with our dignity as a great Nation to send our foreign representatives abroad under conditions where they are at every disadvantage with the representatives of other even inferior nations.

Everyone is familiar with the fact that important negotiations on behalf of a country can not be conducted successfully under vastly unequal conditions. Mr. Andrew D. White, in his autobiography, is authority for the statement that the failure of his negotiations in the Bering Sea controversy was due directly to the superior policy of Great Britain in maintaining a preponderant diplomatic, political, and social influence at the Russian capital, and he adds that this cost our Government a sum which would have bought suitable houses in several capitals.

President Roosevelt put the Consular Service on a merit basis, and President Taft has put the Diplomatic Service, below the ranks of ambassador and minister, on the same basis. We have the beginning of a profession of diplomacy. We should make it possible for every man in the service to feel that the largest prizes in the service await him who exhibits the highest ability and devotion to his country's interests.

Our foreign relations are becoming vastly more important all the time. Last year the Secretary of State announced before the Committee on Foreign Affairs that the business of the State Department had doubled since the Spanish-American War. In the recent tariff legislation the executive branch was charged with the duty of ascertaining what countries were discriminating against our trade, by tariff regulations or otherwise. This has added much to the work and importance of the Department of State.

Another reason: It is good business. What great business enterprise, permanently established, could afford to rent the premises required in its business for not to exceed four years at a time, paying, as it would have to, large rentals under so short a term of lease? Add to this the almost certainty that such a business would be compelled to remove to new quarters at short intervals, with all of the expense that such a removal involves, and it is not difficult to foresee the end of such a business policy.

Parties may come and go, but the American Government is the most permanent institution upon this entire continent. We all have faith that America will be engaged in business in the capitals and cities of the world for generations yet unborn. Let us own our own plant. Let us be the beneficiary, not the victim, of the so-called unearned increment in the value of city lands. No one can doubt but that if we had entered upon this policy when this agitation began we could have purchased what we need for half of what it now will cost us. We owe it to the Nation, we owe it to our representatives abroad, we owe it to the interests of economy and efficiency in the administration of foreign affairs, to pass this bill and to pass it now. [Applause.]

Mr. RUCKER of Colorado. Mr. Speaker, this bill authorizes the Secretary of State, when Congress appropriates the sum for such purposes, to expend not more than \$500,000 for diplomatic and consular establishments in any fiscal year for the purchase of sites, buildings, or the erection of buildings upon sites acquired, but in no event to expend more than \$150,000 at any one place.

The objections made to this measure at the last session—in that the expenditure authorized was a much larger sum—has been fully met by this bill, as the gentleman from Illinois [Mr. LOWDEN] has so ably and fully shown. I advocated the former measure then, and it affords me pleasure to lend my full indorsement to the bill now. There prevailed at that time among my friends on this side of the Chamber an idea that the plan of building and maintaining these establishments abroad was primarily a Republican policy, another Republican extravagance, and for those reasons many withheld from it their support. In fact, I believe we had only a handful of votes on this side for the measure. I want to say to my friends on this side, however, that it is demonstrable that not only is it not primarily a Republican measure, but it is not an extravagant one. The policy received its first inception under the Democratic administration of Adams, followed by Jackson, and obtained its best impetus under the Cleveland administration, and, contrary to its being an extravagant policy, it is one having for its foundation the essence of economy. But, Mr. Speaker, party consideration, even were it involved, with me loses its appeal, however, when my name is called to vote on the merits of any measure, and I believe this is no less so with a great majority of the Members of this House. I am as much opposed to extravagance in the administration of our national affairs as any Member of my party, yet I can not close my lenses to the great benefits we will derive as a Nation by following progressive lines in the passage of laws such as are suggested by this bill.

One will only have to look about him in this our Capital City, observe the magnificent structures in which the leading nations of the earth have housed their diplomatic servants, see the

flags of their countries kissing the breezes from the house tops, their coats of arms emblazoned on the front doors—in fact, all the settings at once spelling dignity and patriotism and a due appreciation of the honor of being our guests—to be duly impressed.

The visitor from one of these countries, represented as it is by these tokens of loyalty, is rebaptized with patriotism for his fatherland. More than that, in the capitals of all the leading nations the other nations own as superb structures, symbols of their dignity, signifying as well an appreciation of the honor of their representatives being their guests. On the other hand, our position is most pitiful; we neither dignify our country nor recognize our obligations as guests with such emblems. Our flag floats from the house top in only one place in all Europe where we own the realty upon which the house is situated and the only one approaching respectability, namely, in Constantinople. In Tahiti, Tangiers, and Peking we have small holdings, and, adding a dilapidated, old-fashioned house in Tokyo, the pitiful sum of \$250,000 would cover the entire cost of all our possessions in Europe and the Orient. More than that, all these countries pay to their representatives salaries from 50 to 75 per cent more than we, and in nearly every instance an allowance is made for incidental expenses, such as for entertainments, servants' hire, and so forth.

If we regard the question from the theoretical standpoint, that in our form of Government every citizen is the equal of the other and has equal opportunity for place in political life, station, or responsibility, it is most appalling, because, coupled with the rentals he must pay, incidental expenses, living in a fashion even semirespectable and reflecting even a minimum credit on the country he represents, the man of small means, however otherwise worthy and peculiarly qualified for the diplomatic service, in a contest for the place is truly out of the running. The position, of necessity, must go to one of independent fortune. It is no longer a secret that this condition often brings to the position its embarrassment, for it is not only known by us that he is not chosen exclusively because of his merit, but it is also known to the country to which he goes.

If we regard this question from the standpoint of efficiency, we know from our own relationship with our fellow-men that equipment for the maximum service called for in these positions may well be found outside of the ranks of the wealthy. It was to illustrate this idea that President Taft was led lately to say:

We boast ourselves a democratic country. We say that there is no place within the gift of the people to which we may not select the most humble inhabitant, providing he be fit to discharge its duty, and yet we have an arrangement which makes it absolutely impossible for anyone but a millionaire to occupy the highest diplomatic post.

Now, I ask you whether that is consistency; whether it is not the purest kind of demagoguery? By demagoguery, I mean the advancement of an argument which seems to be in favor of democracy, but which, when it actually works out, is in favor of plutocracy.

Mr. Bryan has strongly advocated this measure in an address made to the committee from which the bill emanates.

Samuel Gompers, president of the American Federation of Labor, said:

As an American citizen, proud of the history of our country and expectant of its glory in the future, I am glad to associate myself with this movement. When I arrived in London, and repaired to our embassy offices in Victoria Street, I own that, though I am not given to pomp or ostentation, I felt that I was entering an office that might have been fit for a second-class lawyer. Appearances have their influences. I would not have a baronial mansion for the American embassy, but I would have a building that would impress the beholder with the dignity and strength of our country.

Whose voice in this Chamber will be heard to say that the wishes and desires of the American people are not reflected by the utterances of these three distinguished Americans?

If we regard it from the standpoint of business expansion alone, a no less strong argument can be made. It is well known that in our struggle to procure that part of the commercial business to which we are entitled in other countries, we are handicapped by our shabby and cheap appearance. It was the cynic side of Carlyle's nature which advanced the idea that the man dignified any old coat he put on his back, and it is all very well for us to harp upon and remember the simplicity of Jefferson, but every man who is acquainted with foreign ideas and conditions knows the importance of outward appearance. And this can be had without mimicry and without that distasteful ostentation the narrow-minded opponents of this measure credit its proponents with being bent upon bringing about. We merely want to appear in these countries in an attire which will spell modesty and simplicity, and at the same time a full appreciation of the might, dignity, and importance of the greatest of all nations, and a corresponding recognition of amenities and obligation to them for the reception of our representatives as their guests.



Again, one must visit these countries to appreciate more fully the necessity for the expenditures provided by this bill for other reasons; for instance, when he is compelled to search up and down the byways and alleys, and is finally rewarded by finding a miserable building identified as the home or office of our representative only by the flag of our country flying from its leaky roof; when no sooner does he enter and meet our representative than he is made to listen to an apology for the beggarly surroundings and inconveniences, and is immediately made to send out a search warrant for some excuse to offer for declining an invitation to lunch or dinner, which he knows will be in order before his departure from his generous but over-taxed host.

But, if these appeals do not prevail, let me draw your attention to an economical view of the subject. No one seriously thinks that the time will ever come when the nations will abandon the present system of diplomatic representation, and, even should it ever terminate, the constantly rising price of real estate the world over would insure a handsome profit on the investment if made now. By not having vigorously pursued in the past this policy which is now advocated, we have suffered incalculable loss on account of the enhanced values of real estate and cost of building material. I know personally where we lost several excellent opportunities to procure building sites within the last two years, and when it is known that we are now paying over \$200,000 per annum in rentals alone for the housing of our servants abroad, the merest tyro in mathematics can determine for himself whether the claim of extravagance can be maintained and where the economy comes in.

The original idea of having these representatives of the Nation at the capitals was to cultivate friendships, the maintenance of more friendly relations and better understandings, to the end of removing the possibilities of war, and history is replete with accomplishments along this line. Is there one here, in the face of these historic achievements, to say that one battleship can do as much? Yet, year after year we pile these chips on our shoulders by building two of these engines of war at a cost of more than \$20,000,000, and the per annum expense for their upkeep is over \$2,000,000. The cost of one of these battleships and the cost of its upkeep for 10 years would allow us to continue the erection of these edifices of peace and commercial assets for 40 years. Within such time, and with such an expenditure, we would be on at least equal footing with our sister nations, and thus demonstrate to the world that we are for peace in fact as well as by profession. Let us pass the bill. [Applause.]

Mr. LOWDEN. Mr. Speaker, I ask the gentleman from Indiana if he will use some of his time now.

Mr. CULLOP. Mr. Speaker, it seems to me that entering upon a policy of this kind is a very dangerous thing for this Government. To commence erecting buildings all over the world at the foreign capitals for our dress-parade officials could serve no good purpose in this country and only be the source of much expense. By the report of the committee I see it is expected to expend \$5,000,000 for this purpose—\$500,000 to be expended each year, and not more than \$150,000 at each capital. This is but the beginning of a system for exploiting the Public Treasury to an amount in the end no one is able to compute. I do not understand why this Government should enter upon this policy at this time, when the condition of the Public Treasury is as low as it is to-day. The drain upon it has been enormous in the last few years, and its disbursements now exceed its receipts and we face a deficit. Already distinguished gentlemen upon that side of the House have opposed the passage of a pension bill to pension the old soldiers of the rebellion because the Government had not the money to spare to pay the expense it would incur, and yet to-day, with these needy and worthy men all over the country in distressed circumstances appealing to us for recognition, men high in the councils of the Republican Party opposed that legislation and have failed to make an appropriation for them to carry it into effect. And the same men who practiced parsimony as to those old heroes propose now to pass this bill which will appropriate \$500,000 a year to build fine houses in foreign capitals solely for the purpose of dress parade and to make display in foreign countries. They can have no other object in view.

In all the history of this Government, so far as I am informed, no man has ever refused to hold a foreign ministry because the Government did not furnish him a home in a foreign country to which he was sent, and yet now when it is said upon that side of the House that we are unable to appropriate money for the rural routes of the Government, to put them in a good condition and furnish adequate compensation to men who do daily toil and provide conveniences for our home people, you are proposing to appropriate money—enormous sums and fasten a policy

of extravagance on the people in this bill—to build fine houses for rich officeholders in foreign countries. This policy no man can justify in the face of conditions existing throughout the entire country. It will be opposed all over the country.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. CULLOP. Certainly.

Mr. HENRY of Texas. I want to state that I have been informed by a former foreign ambassador from our country to one of the European countries that we could perhaps lease these buildings for one-fifth or one-tenth of the amount we propose to expend under this bill. I understand that we are to expend \$5,000,000 under this bill.

Mr. CULLOP. Yes; in the next 10 years. So it provides.

Mr. HENRY of Texas. But that if we adopt the plan of purchasing these buildings the cost will be a great deal more than if we lease them for a term of years. If the gentleman has studied that question and made any comparison, I think the information would be very valuable to the House.

Mr. CULLOP. I am not informed upon that proposition, but I have no doubt that the gentleman's information is correct. We can lease them for much less and to better advantage.

Mr. HENRY of Texas. I think it would be fair to state to the gentleman that this foreign minister was the Hon. Hannis Taylor, who was minister to Spain under Mr. Cleveland. He stated that he had submitted his proposition to Mr. Cleveland and to Mr. Olney, who was Secretary of State, and they had come to the conclusion that it was the most economical method of maintaining our embassies abroad.

Mr. CULLOP. I have no doubt that it is otherwise. Now, I think that before we enter upon a policy of that kind we had better build up certain institutions of benefit to the people of this country, such as to provide public buildings for the use of this Government at home in the transacting of its own business. Take, for instance, our own post-office facilities, and in many cities all over the country no public buildings are provided, and in many places the facilities rented are inadequate and inconvenient for people who patronize them. Supply these accommodations at home for the people who pay the taxes and sustain the Government. Before we enter upon a policy of public buildings in foreign countries, sending our money abroad, let us supply our own people with public buildings, expend our money at home, and improve the property of our own citizens. This policy would meet a more cordial approval from our countrymen than the one here proposed, and it would be of more advantage to our people. Supply our own domestic wants first.

This will also furnish a splendid opportunity for land sharks to speculate, and that seems to be the very foundation of the idea of building foreign homes for our ambassadors in foreign countries. Speculators will buy land where it is proposed to build these places and make great profit in handling the real estate upon which the houses are expected to be built. They will be able to sell the lands to the Government through some kind of manipulation that will be very profitable to them. There are many things in this country, many institutions of benefit and convenience to the people of the country all over it that need attention, and the appropriation of money hereby intended for this purpose I think ought not to be made. I hope this measure will be defeated.

I desire to call the attention of my Democratic colleagues that if this bill passes it will be unloading on the Sixty-second Congress another deficiency in the appropriations for which our party, when it comes into power next December, must provide for. It is another plan devised to swell appropriations by the next House, and to be charged up to the Democratic party, and I warn you that for this reason, if no other, we should defeat it. It would be wisdom on our part to do it. True, it only proposes to expend \$5,000,000, but no man on this floor will dare undertake to compute its ultimate cost to the American people, and the expense it will entail upon the Government. You promised the people a reduction in public expenditures, economy in appropriations, and it is now up to you to make good those promises. [Applause.]

I now yield five minutes or as much time as he may desire to the gentleman from Mississippi [Mr. Sisson]. [Applause.]

Mr. SISSON. Mr. Speaker, this seems to me to be rather an unusual departure on the part of a Republic. In addition to what the gentleman from Indiana [Mr. CULLOP] has said, one of the chief objections to this bill is that after we shall have builded all of these houses at the various capitals of the various nations and at the principal consulates of the various nations, the maintenance, support, repair, and furnishing of them will require a very large amount of money that will have to be provided for annually out of the Treasury. If the mere building of these houses could be limited to \$5,000,000, and after the

houses had been completed this ended the expense, there would be less objection to it; but the proposition to expend \$500,000 annually—

Mr. KELIHER. Will the gentleman yield for a question?

Mr. Sisson. Certainly.

Mr. KELIHER. Does the gentleman find anything in this bill that commits the Government to such expenditures as he has just described?

Mr. Sisson. Mr. Speaker, I am surprised that my colleague from Massachusetts supposes that houses do not have to be repaired, that houses do not have to be looked after, that houses do not have to be cared for. I am surprised that my friend said, as has been argued here, that the men who go to these places are not able to maintain themselves in homes that they may rent of their own selection. By this proposed scheme they will be compelled to occupy and furnish a home, the limit of cost of which will be \$150,000. Does the gentleman imagine that these men who are unable to rent a modest home will be able to furnish the sort of a house provided for in this bill and live up to the establishment? The next demand will be that money be expended to furnish these houses in accordance with the dignity of the United States Government, and there is no end to the limit of expenditure.

Mr. KELIHER. Does not the gentleman believe that when a tenant rents a house, and that house has to be repaired, the tenant eventually pays the expense so incurred in increased rent? Does the gentleman see any difference in this respect between the United States as a tenant and an individual as a tenant? If it is economy for an individual to own rather than rent, why would not economy to the United States follow the passage of this bill?

Mr. Sisson. My contention is, sir, that a man who is appointed ambassador or consul can go, if he desires, and rent a modest home in a modest neighborhood and live plainly and modestly with no expense to the Government, but under this bill it will become necessary for the Government to keep up the repairs on a house costing not less than \$150,000, and in the last analysis it will be necessary that you buy furniture, keep the furniture in condition, and as often as you change ambassadors, you will not want to give them second-hand furniture, certainly not, and—

A MEMBER. Will not the buying of furniture by the United States have to be by coming to Congress and securing an enactment of the law so that you can buy?

Mr. Sisson. That is true, and that follows as night follows day. When the United States Government puts its hands to the plow it does not turn back until it finishes the job, and we know what that means. It means the expenditure of money, and I am surprised at my Democratic colleague from Massachusetts, who must know that a Democratic Congress will have to provide for this \$500,000, and when he is not to be in the Congress—

Mr. KELIHER. I want to say to my friend that I stood for this proposition in a Republican Congress and when a Republican Congress had been decreed by the people, and I was elected to the succeeding Congress because I represent a district that believes in upholding the dignity and prestige of this great Republic abroad, and I stand for the same to-day. In so doing I reflect the sentiment of one of the strongest Democratic districts in the country.

Mr. Sisson. I am afraid my friend then had to reckon with his constituents when he went back home.

Mr. JOHNSON of South Carolina. May I say to the gentleman that this bill specifically provides these buildings shall be repaired and restored—

Mr. Sisson. Of course.

Mr. JOHNSON of South Carolina. And it is not any future legislation, but this bill provides for it.

Mr. Sisson. Of course; and if it had not, the Congress would have to provide for the care of these places after they are erected.

Mr. RUCKER of Colorado. But that comes out of the same appropriation.

Mr. Sisson. But do you not know that when they go to build one of these homes the chances are that you will find that the \$150,000 will not build the house, and they will come back and ask an additional appropriation to complete the building, and we know how these appropriations for public buildings in our own country are—they sometimes get twice as much as we started out to pay? Talk to me about Congress controlling these expenses, when the men behind this movement know that they are simply opening up the door of extravagance when at this particular time it ought to be closed, and I am unwilling

to give my consent to this extravagance at this time. If you ever permit the camel to get his nose under the tent he will soon get his whole body under. Some gentlemen who are advocating this bill have been frank enough to state on the floor during this debate that this bill did not go far enough, but that it was a step in the right direction. Some gentlemen have been frank enough to say that—

By the passage of this bill the United States will enter upon a policy that will eventually place us on an equal footing with the other great world powers which own the most creditable diplomatic buildings.

What does this mean but an admission that the Congress is to embark into a contest with other great nations in a display of grandeur and splendor which will lead to great extravagance. It means palaces of splendor in all the great capitals of the world where extravagant and rich Americans may exploit their wealth in the presence of royalty.

I have been asked what the rent paid for homes abroad is. It only amounts, as I am informed, to about \$135,000. Now, there are missions where we have ministers in the following countries:

Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Chile, China (no rent; premises owned by Government), Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, France, Germany, Great Britain, Greece and Montenegro, Guatemala, Haiti, Honduras, Italy, Japan (no rent; premises owned by Government), Liberia, Mexico, Morocco (no rent; premises owned by Government), Netherlands, Nicaragua, Norway, Panama, Paraguay and Uruguay, Persia, Peru, Portugal, Roumania and Serbia, Russia, Salvador, Siam, Spain, Sweden, Switzerland, Turkey (no rent; premises owned by Government), and Venezuela.

We have consulates and agencies at the following places:

Acapulco, Mexico; Aden, Arabia, Adis Ababa, Abyssinia; Agasscalientes, Mexico; Aix la Chapelle, Germany; Aleppo, Syria; Alexandria, Egypt; Algiers, Africa; Amoy, China; Amsterdam, Netherlands; Antung, Manchuria; Antwerp, Belgium; Apia, Samoa; Asuncion, Paraguay; Athens, Greece; Auckland, New Zealand; Bagdad, Turkey; Bahia, Brazil; Barbados, West Indies; Barcelona, Spain; Barmen, Germany; Barranquilla, Colombia; Basel, Switzerland; Batavia, Java; Batum, Russia; Beirut, Syria; Belfast, Ireland; Belgrade, Serbia; Belize, Honduras; Bergen, Norway; Berlin, Germany; Berne, Switzerland; Birmingham, England; Bluefields, Nicaragua; Bogota, Colombia; Boma, Congo Free State; Bombay, India; Bordeaux, France; Bradford, England; Bremen, Germany; Breslau, Germany; Bristol, England; Brunswick, Germany; Brussels, Belgium; Bucharest, Roumania (office in connection with legation); Budapest, Hungary; Buenos Aires, Argentina; Burslem, England; Cairo, Egypt; Calais, France; Calcutta, India; Calgary, Canada; Callao, Peru; Campbellton, New Brunswick; Canton, China; Cape Gracias a Dios, Cape Haitien, Haiti; Cape Town, Cape of Good Hope; Cardiff, Wales; Carlsbad, Austria; Cartagena, Colombia; Catania, Italy; Celba, Honduras; Charlottetown, Prince Edward Island; Chefoo, China; Chemnitz, Germany; Chihuahua, Mexico; Christiania, Norway; Chungking, China; Cienfuegos, Cuba; Ciudad Juarez, Mexico; Ciudad Porfirio Diaz, Mexico; Coburg, Germany; Cognac, France; Cologne, Germany; Colombo, Ceylon; Colon, Panama; Constantinople, Turkey; Copenhagen, Denmark; Corinto, Nicaragua; Cork, Ireland; Cornwall, Ontario; Curacao, West Indies; Dalny, Manchuria; Dawson, Yukon Territory; Dresden, Germany; Dublin, Ireland; Dundee, Scotland; Dunfermline, Scotland; Durango, Mexico; Durban, Africa; Edinburgh, Scotland; Ensenada, Mexico; Erfurt, Germany; Fernie, British Columbia; Fiume, Hungary; Florence, Italy; Foochow, China; Fort Erie, Ontario; Frankfurt, Germany; Frontera, Mexico; Geneva, Switzerland; Genoa, Italy; Georgetown, Guyana; Ghent, Belgium; Gibraltar, Spain; Glasgow, Scotland; Gothenburg, Sweden; Grenoble, France; Guadalupe, Mexico; Guadeloupe, West Indies; Guatemala City, Guatemala; Guayaquil, Ecuador; Habana, Cuba; Halifax, Nova Scotia; Hamburg, Germany; Hamilton, Bermuda; Hamilton, Ontario; Hankow, China; Hanover, Germany; Harbin, China; Harput, Turkey; Havre, France; Hermosillo, Mexico; Hobart, Tasmania; Hongkong, China; Huddersfield, England; Hull, England; Iquique, Chile; Iquitos, Peru; Jerez de la Frontera, Spain; Jerusalem, Syria; Johannesburg, South Africa; Karachi, India; Kehl, Germany; Kingston, Jamaica; Kingston, Ontario; Kobe, Japan; La Guaira, Venezuela; La Paz, Mexico; Leeds, England; Leghorn, Italy; Leipzig, Germany; Liege, Belgium; Limoges, France; Lisbon, Portugal; Liverpool, England; London, England; Lourenco Marquez, Africa; Lyon, France; Madras, India; Madrid, Spain; Magdeburg, Germany; Malaga, Spain; Malta (Island); Managua, Nicaragua; Manchester, England; Mannheim, Germany; Manzanillo, Mexico; Maracaibo, Venezuela; Marseille, France; Martinique, West Indies; Maskat, Oman; Matamoros, Mexico; Mazatlan, Mexico; Melbourne, Australia; Mersine, Syria; Mexico City, Mexico; Milan, Italy; Moncton, New Brunswick; Monrovia, Liberia (no expenses charged consulate); Monterey, Mexico; Montevideo, Uruguay; Montreal, Quebec; Moscow, Russia; Mukden, Manchuria; Munich, Bavaria; Nagasaki, Japan; Nanking, China; Nantes, France; Naples, Italy; Nassau, West Indies; Newcastle, New South Wales; Newcastle on Tyne, England; Newchwang, China; Niagara Falls, Ontario; Nice, France; Nogales, Mexico; Nottingham, England; Nuevo Laredo, Mexico; Nuremberg, Bavaria; Odessa, Russia; Orillia, Ontario; Ottawa, Ontario; Owen Sound, Ontario; Palermo, Italy; Panama, Panama; Para, Brazil; Paris, France; Patras, Greece; Pernambuco, Brazil; Plauen, Germany; Plymouth, England; Port Antonio, Jamaica; Port au Prince, Haiti (office in connection with legation); Port Elizabeth, Africa; Port Limon, Costa Rica; Port Louis, Mauritius; Prague, Austria; Prescott, Ontario; Progreso, Mexico; Puerto Cabello, Venezuela; Puerto Cortes, Honduras; Puerto Plata, Dominican Republic; Punta Arenas, Chile; Quebec, Quebec; Rangoon, Burma; Reichenberg, Austria; Rhelms, France; Riga, Russia; Rimouski, Quebec; Rio de Janeiro, Brazil; Rome, Italy; Rosario, Argentine Republic; Rotterdam, Netherlands; Roubaix, France; Rouen, France; Saigon, Cochinchina; St. Etienne, France; St. Gall, Switzerland; St. John, New Brunswick; St. John, Newfoundland; St. Johns, Quebec; St. Michaels, Azores; St. Petersburg, Russia; St. Pierre, St. Pierre Island; St. Stephen, New Brunswick; St. Thomas, West Indies; Salina Cruz, Mexico; Saloniki, Turkey; Sattillo, Mexico; Sandakan, New Brunswick; San Jose, Costa Rica; San Luis Potosi, Mexico; San Salvador, Salvador (office in connection with legation); Santiago



de Cuba; Santo Domingo, Dominican Republic; Santos, Brazil; Sarnia, Ontario; Sault Ste. Marie, Ontario; Seoul, Korea; Seville, Spain; Shanghai, China; Sheffield, England; Sherbrooke, Quebec; Sierra Leone, Africa; Singapore, Straits Settlements; Smyrna, Turkey; Southampton, England; Stavanger, Norway; Stettin, Germany; Stockholm, Sweden; Stuttgart, Germany; Suva, Fiji Islands; Swansea, Wales; Swatow, China; Sydney, New South Wales; Sydney, Nova Scotia; Tabriz, Persia; Tahiti, Society Islands (no rent; consular premises owned by Government); Tamatave, Madagascar; Tampico, Mexico; Tamsul, Formosa; Tangier, Morocco (no rent; consular premises owned by Government); Tapachula, Mexico; Tegucigalpa, Honduras; Teneriffe, Canary Islands; Tientsin, China; Toronto, Ontario; Trebizond, Turkey; Trieste, Austria; Trinidad, West Indies; Tripoli, Africa; Tsingtau, China; Turin, Italy; Turks Island, West Indies; Valencia, Spain; Valparaiso, Chile; Vancouver, British Columbia; Venice, Italy; Veracruz, Mexico; Victoria, British Columbia; Vienna, Austria; Vladivostok, Siberia; Warsaw, Russia; Windsor, Ontario; Winnipeg, Manitoba; Yarmouth, Nova Scotia; Yokohama, Japan; Zanzibar, Zanzibar; Zurich, Switzerland.

If the Government finally spends \$150,000 at each of these places, it will mean for sites and buildings alone \$51,450,000. This is a conservative estimate, too, because it is doubtful if a suitable lot could be purchased in London, Paris, or the other great cities for much less than \$150,000; and even if in some places sites and buildings could be had for less than this sum, in many others the amount will be very much more, so this will be a fair average.

When these palaces are erected, the Government will have to care for and maintain them, which furnishes another great item of expense, for no poor man could afford to move into one of those palaces and hire enough servants to keep it up. So every argument made that this is to enable poor men to get these places falls to the ground unless you propose to furnish his home and servants and a certain amount to keep up the grandeur out of the Treasury.

It is better and cheaper for the Government to pay rent, because it now costs the Government only \$138,562.38 rent, whereas if the Government owned these places it would cost at least \$1,000 a year each to maintain them, or over \$343,000 annually. Add to this the interest on \$50,000,000 at 3 per cent, the amount the Government will finally have invested, and the annual expense will be \$1,500,000, so that in round numbers the Government would save \$1,650,000 each year if my views of what this will finally lead to is correct. Let us not open up this new method of wasting and squandering the people's money.

Mr. CULLOP. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes remaining.

Mr. CULLOP. I yield that time to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I am opposed to this proposition. One reason is that I am opposed to the entire system that the country and the world now recognizes of appointing ambassadors and ministers to foreign countries. I believe the system is as antiquated and out of date as the system of riding in a stagecoach as compared to riding in a railroad train. The system of sending a foreign ambassador to represent us abroad was inaugurated at a time when a country a few hundred miles away from another was as far removed in time and ability to reach it as it is to the furthest point of the earth to-day. To-day there is not a capital at which we have a foreign ambassador or minister that can not be reached by the telegraph wire. There is not a country in which the communications by mail between it and this country are not nearer and faster than they were a hundred years ago between the States of the Union. Now, I believe this entire system of our sending ambassadors to foreign courts should come down. There is no necessity for it. As a matter of fact, we send some distinguished gentleman to a foreign court to represent us there, and yet when an important matter comes up we send a special envoy or special agent to represent the United States Government and do the work that the minister is supposed to do.

I believe that, instead of the organization that is now in vogue and that it is proposed to perpetuate by building legation houses in foreign countries, we should abolish the entire system. We should have certain men well trained, well educated, understanding the business, who can be sent to a foreign country to negotiate our business whenever a particular question arises that needs representation at a foreign court.

Now, as to the consular service, it is a different thing. The consular agents represent the business portion of our people and the business interests of the Government. We should maintain the consular system, but I can see no duty that a foreign minister or a foreign ambassador has to perform as to the great questions involved between the countries of this world that can not be done and accomplished equally well by a special ambassador sent when the exigencies of the case require. And as to the protection of life of our citizens abroad or protection

of their rights, a foreign consul or a consul general, as a rule, looks after those matters and is thoroughly capable and competent to represent and protect our citizens under such circumstances. As a matter of fact, in most of the great countries of Europe where we are proposing to build legation houses the American citizen is entirely protected to-day and perfectly safe under the government of the country without intervention on the part of an ambassador. So I think to build legation houses to-day would be to extend the system that we have, but which I believe the world should abandon, a system that is unnecessary and that is not up to modern ideas and modern thought.

Therefore I am opposed to our entering into a plan that will further tie to us this antiquated system as one of the portions of our Government.

Mr. SHEPPARD. Will the gentleman permit?

Mr. UNDERWOOD. Certainly.

Mr. SHEPPARD. Is it not a fact that the bill commits the United States to the wholesale policy of erecting buildings, not only at the capitals where ambassadors are located, but at other places where consular officers and other minor representatives are located?

Mr. UNDERWOOD. I have no doubt that if the bill was passed it would be a wedge in that direction.

Mr. SHEPPARD. It provides without qualification for the diplomatic and consular establishments of the United States.

Mr. UNDERWOOD. I understand the bill provides just what the gentleman from Texas states.

Mr. CULLOP. So that in every two-by-four capital in a foreign country this Government would spend \$250,000 that some man might have a home.

Mr. LOWDEN. Mr. Speaker, how much time have I remaining?

The SPEAKER. Twelve minutes.

Mr. LOWDEN. I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I have listened with great interest, as I always do, to the remarks of the gentleman from Alabama [Mr. UNDERWOOD], for I have a very high respect for his opinion on all matters of public moment. But it does not seem to me that the argument that he makes applies to the question that is before us.

It is not a question, Mr. Speaker, of whether or not the present system of communication between the great nations of the world is a good thing or not; it is not a question whether diplomacy should be abolished; it is a question as to whether, so long as that system continues, we will provide that the really competent, educated, and suitable men to hold those positions for our country can serve the country in that capacity. I want to make this point clear, that this proposition is not to improve the condition of those who now represent us in foreign countries, but to make possible a condition upon which another class of men may represent us.

Mr. FITZGERALD. Will the gentleman yield?

Mr. LONGWORTH. Yes; but I have not much time.

Mr. FITZGERALD. I want to ask the gentleman if he now believes that we are represented by uneducated, unintelligent, and an incompetent class of men.

Mr. LONGWORTH. Of course, Mr. Speaker, I do not mean to be construed as saying anything of that kind.

Mr. MANN. You are not.

Mr. LONGWORTH. We are fortunate in having to-day men to represent us who are, most of them, educated and fitted for those positions, but they also happen to possess a qualification which is necessary to-day for those positions, but which the great majority of other men at least equally fitted to represent us have not, and that is to say, "the price."

Why, the gentleman from Indiana says that he has never heard of a case where the position of ambassador was offered to an American citizen who refused it. As a matter of fact, Mr. Speaker, there are hundreds of such cases, and, in fact, the President of the United States, in considering whom he can appoint as ambassador to England, is impeded from appointing a number of men who are admittedly fitted for the position for the reason simply that they can not afford it, and have refused that position on this ground alone.

Mr. CULLOP. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. CULLOP. I would like to ask the gentleman right on that point if a man who can not accept that because of his impoverished financial condition, how could he do it if he had a \$150,000 residence to keep up?

Mr. LONGWORTH. Mr. Speaker, there are two ways of enabling an American citizen of moderate means to accept these great positions. One is to raise the salary to a point which shall put him at least on a comparatively equal basis with those

men who would be his colleagues at that post. The other is to furnish him with a suitable residence in which to live. There is no question in my judgment as to which of these two things is preferable.

We ought to have a residence which shall be the same, whether it is occupied by Mr. Smith, who is a multimillionaire, or Mr. Jones, who is a patriotic scholar. It ought not to be apparent, on the face of things, as it is to-day, that one ambassador is a millionaire if he happens to live in a palace, and another is only a patriotic scholar because his means compel him to live in a boarding house. That condition has continued for years, until now a situation has grown up which I regard as utterly repugnant to all democratic theories of government.

We have developed a real office-holding aristocracy, an aristocracy more repugnant than any other, because it depends not on birth alone, but simply and solely on money. Now, Mr. Speaker, this is a democratic measure.

I may say for the benefit of some of my friends on the other side that it bears the hearty indorsement of a man who I think no one will deny is a good Democrat, Mr. William J. Bryan, of Nebraska. [Applause.] It carries also the indorsement of another gentleman who, I think, no one will deny is a Democrat, Mr. Samuel Gompers. [Applause.] It carries the indorsement of a Republican of democratic instincts—and when I say democratic I mean in the broad sense of the term—the President of the United States. [Applause.]

We have now the opportunity, Mr. Speaker, to put these positions, which, outside of the Presidency, are the only ones that represent the whole American people, within the reach, as every American office ought to be, of a man who is fitted by learning, training, and patriotism to represent this country, and not one who is fitted simply and solely by his pocketbook. [Applause.]

Mr. LOWDEN. Mr. Speaker, I yield three minutes to the gentleman from Arkansas [Mr. MACON]. [Applause.]

Mr. MACON. Mr. Speaker, there is a vast difference between extravagant expenditures and legitimate expenditures, as all of us are bound to recognize. A year ago, when a similar bill to this was before the House, upon my motion it was defeated. [Applause.] That bill, Mr. Speaker, carried an appropriation of \$5,000,000 each year, and had a limit of cost of \$500,000 for each embassy building that was to be erected abroad.

I felt then that \$5,000,000 per year was more than the Treasury of the United States could afford to spend on buildings of that character. I felt that \$500,000 for a building for a poor man was too exorbitant. I knew that if fortune or anything else happened to send the average Member of Congress abroad as an ambassador and he was forced to live in a \$500,000 mansion he would rattle around in it like a pea in a dry pod. [Laughter.] In the homes provided for in this bill it will be entirely different. They are to be furnished out of the amount provided for each of them, and hence a man of moderate means can live in them comfortably and respectably upon the salary paid him by the Government. No true American representative should want to live beyond a comfortable and respectable style, and no proud American citizen ought to want him to live in any other manner while he is representing the greatest Republic in all the world.

I did not think in reason and common sense or in justice to the taxpayers of this country that we ought to expend that much money upon homes abroad for our ministers and ambassadors, but this bill proposes that we shall have an expenditure of \$500,000 a year for that purpose. That sum, at the ordinary rate of interest which the Government is required to pay, would amount to only about \$10,000 a year, if the Government had to borrow the money with which to erect these buildings. Therefore I am inclined to think that the expenditures that are now being made by this Government for the offices that are now occupied by the ambassadors and ministers will be, and are now, far in excess of \$10,000, the sum that the interest would amount to upon this \$500,000 investment. Therefore, in the interest of economy, I can not help but believe that it would be wise to make this expenditure.

I differ with the gentleman from Alabama when he says that he thinks that the policy of having ambassadors and ministers abroad is now inadequate and ought to be abandoned. I might not have favored such a proposition in the incipency of our Government, but the policy is as fixed now, in my judgment, as a part of the policy of the Government as is the tariff policy fixed as a part of the policy of the Government. If I had had to do with the organization of the Government, I would have insisted upon raising our revenues in a different way than by a tariff; but it was organized in that way, and now the tariff system is fastened upon us as a part of the policy of the Government and we can not get rid of it. It is absolutely neces-

sary for us to have ambassadors and ministers abroad to represent this country in foreign countries as it is to have representatives in this city, because it is impossible for us to write letters to foreign Governments that will be sufficiently explanatory about everything that arises of an international character between this and every other country, and we could not afford to take up complex and delicate questions of state with them in such a slow and uncertain manner as that at this day and time of progress if we desired to do so.

Therefore it is absolutely necessary for us to have representatives in foreign countries if we are to keep abreast with the progress of the age in the matter of trade relations, as well as in the interest of universal peace—a thing devoutly hoped for by the peace-loving citizens of all the world, and prayed for by good people everywhere. Therefore, if we must have representatives abroad, it is necessary that they should be properly housed, and the time has come when it is the duty of the Government to house them. Every other important country in the world is doing that for their representatives and we can not afford to lag behind in matters of such moment. The provisions of this bill are not extravagant, when we consider the high price of real estate in all of the important cities of the world, and hence, I will cast my vote for it with great pleasure. [Applause.]

Mr. LOWDEN. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, I only want to call the attention of Members of the House to the fact that we are now expending for rent of consulate agencies and the various domiciles for our diplomatic and consular officers abroad over \$135,000 a year. That, as I calculated rapidly in my head, is about 4 per cent on \$3,500,000. It would take us, under this present bill, something like seven years to expend that amount. I do not think anyone need be worried about this overweening expense.

Mr. KNOWLAND. I think the gentleman has left out a very important item. The total annual rent for embassies and legations alone is \$65,784.55, and for consulates and agencies \$135,000, as the gentleman from New York has stated, a grand total of over \$201,000.

Mr. OLCOTT. I thank the gentleman for the correction.

Mr. LOWDEN. Mr. Speaker, I just want to say a word in answer to the argument of the gentleman from Alabama [Mr. UNDERWOOD] who asserts that we do not need the personal element in our relations with foreign countries. If that be true, why is it that modern business has not developed genius enough to be able to transact its business without traveling men or without personal agents? If modern business has an important transaction 10,000 miles away it does not rely simply upon correspondence, but some one is sent to be there in the flesh to enter into negotiations with those representing the other side, and as long as this Government stands, and as long as the peace of the world is a great thing to be desired, this Government would be recreant to its duty if it ever attempted to dispense with the personal foreign service which it has had in the capitals of the world from the very inception of the Government.

Mr. AUSTIN. I would like to ask the gentleman if all the commercial and business organizations of the country do not also favor this bill.

Mr. LOWDEN. In answer to that I would say, Mr. Speaker, that every board of trade and chamber of commerce and every body of men who represent business so far as I know anywhere is for this measure. Every Secretary of State from Richard Olney down has recommended it. The President, as I have said, recommends it in his annual message. The present Secretary of State is very urgent that the bill be passed, and I submit that now, when we have become a world power, whether it was in accordance with our will or not, we have got to meet the nations of the earth upon something like equal terms, and we will not do that until we have established our permanent homes in the capitals of the world.

Mr. SULZER. Mr. Speaker, for many years I have been in favor of this Government acquiring and owning diplomatic and consular establishments for its representatives in the principal countries of the world. This bill is a step in that direction and meets with my earnest approval.

What the United States requires, in my opinion, in the great capitals of the world, are official residences, which shall be permanent homes for its diplomatic and consular representatives, whether they be rich or poor, in which they shall reside in a position consistent with democratic institutions. I believe the taxpayers of the country favor it because it will mean the maintenance of the dignity of our people and the enhancement of



the prestige of the Republic. Such a policy will produce an external uniformity in the outward semblance of each and conceal the difference between the rich diplomat and the poor, yet, perhaps, far abler scholar and statesman. The price of a modern battleship would provide proper homes for most of our ministers and ambassadors abroad and give these official residences the dignity that is associated with permanency.

The diplomatic representatives of our country in foreign capitals should reside in suitable homes, owned and furnished in a proper manner by our Government, and be paid a salary sufficient to enable them to live in a way befitting the greatness and the glory of the United States. We are a world power of the first magnitude, and we should live up to it in the diplomatic family of nations. I believe in economy. I like democratic simplicity; but I have traveled some, and, like others who have been in foreign lands, I know what a sorry figure we generally cut in diplomatic circles. If we want to be abreast of the political and commercial spirit of the times we must yield to modern progress in these important matters of the world and lay aside the ultraconservatism of the past and the rigid simplicity of bygone days.

If Congress is unable to understand the exceedingly mean figure that is cut by the United States in foreign capitals when its diplomatic representatives are obliged to spend their yearly salaries in providing themselves with a roof over their official heads, then the case is hopeless. If our ambassador is an object of derision, if the United States is the subject of contemptuous remarks by all the little whippersnappers of diplomacy who have been better provided for, the fault lies in the Congress of this great country. Rich and powerful as we are as a Nation, we belittle our own dignity and that of our representatives in foreign lands by refusing to establish permanent homes for them where the Stars and Stripes may ever fly.

Sir, how can we expect our diplomats abroad to be treated with the same respect as those of other countries when the very houses in which they live invite invidious comparisons? It is just as important for the envoys representing our people to be housed in a manner befitting the wealth and power of our country as it is for the President of the United States to live in the White House; and the saddest commentary on it all is the knowledge that men of ability, men of experience, but lacking riches, in view of present conditions, can not hope to represent this country in foreign lands. It would be more becoming to our pretensions of democratic simplicity, in my judgment, if Congress should now place our Diplomatic Service on a basis where brains and not dollars alone will be the essentials for diplomatic office in foreign countries.

If I am any judge of public opinion, I venture the assertion that popular sentiment favors the enactment of this legislation, and I indulge the hope that this bill will be a law ere we adjourn. We can not escape the logic of the case and the force of the contention that our country must have fitting official homes for its representatives in foreign capitals, flying Old Glory, and tenanted by patriotic citizens with an eye single for the welfare of America.

The SPEAKER. The question is, Will the House agree to suspend the rules and pass the bill?

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. CULLOP. Mr. Speaker, a division.

The House proceeded to divide.

Mr. CULLOP. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The yeas and nays are demanded. Twenty-three gentlemen have arisen, not a sufficient number. Upon this question the yeas are 141, the noes are 39. Two-thirds having voted in the affirmative, the rules are suspended and the bill is passed. [Applause.]

Mr. LOWDEN. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken, and also those who did not have time to speak, may extend their remarks in the Record for five days.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### PHILIPPINE ISLANDS.

Mr. OLMSTED. Mr. Speaker, I move to suspend the rules and pass Senate bill 7400.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 7400) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other pur-

poses,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes."

Be it enacted, etc., That section 2 of the act of Congress approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," is hereby amended to read as follows:

"Sec. 2. That for the purpose of providing funds to construct port and harbor works, bridges, roads, buildings for provincial and municipal schools, courthouses, penal institutions, and other public improvements for the development of the Philippine Islands by the general government thereof, the said government is authorized from time to time to incur indebtedness, borrow money, and to issue and sell therefor (at not less than par value in gold coin of the United States) registered or coupon bonds of such denominations and payable at such time or times, not later than 40 years after the issuance of said bonds, as may be determined by said government, with interest thereon not to exceed 4½ per cent per annum: *Provided*, That the entire indebtedness of said government created by the authority conferred by this section shall not exceed at any one time the sum of \$10,000,000: *And provided further*, That the law of said government creating the indebtedness and authorizing the issue of the bonds under this section shall be approved by the President of the United States."

The SPEAKER. Is a second demanded?

Mr. HARRISON. Mr. Speaker, I demand a second.

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Pennsylvania has 20 minutes and the gentleman from New York has 20 minutes.

Mr. OLMSTED. Mr. Speaker, this is a Senate bill with a very formidable title, but the bill has but a single purpose. Under the present law the authority of the Philippine Government to issue bonds is limited to \$5,000,000, which already has been exhausted. The single object of passing this bill is to extend that limit to \$10,000,000. No additional bonds can be issued under it beyond the present five millions, unless the authority for the issue shall have originated in the Philippine lower house, composed entirely of native Filipinos, and then have passed the upper house, and finally been approved by the President of the United States. With all these safeguards it seems to me that this bill should pass. It has passed the Senate, received the unanimous report of the Committee on Insular Affairs, and is desired by the Secretary of War and the President, as well as the Philippine officials. The Resident Commissioners have both appeared before the Committee on Insular Affairs, and Mr. QUEZON, only a few days ago, insisted that it was the universal desire of everybody in the Philippine Islands, whether American or native. I do not care to discuss it further, Mr. Speaker, unless there shall be—

Mr. HULL of Iowa. Will the gentleman yield for one question?

Mr. OLMSTED. I will.

Mr. HULL of Iowa. Does the United States Government guarantee these bonds?

Mr. OLMSTED. Not at all; not in any way.

Mr. HULL of Iowa. They did in the railroad bonds, but not the Philippine bonds.

Mr. OLMSTED. Not at all.

Mr. FITZGERALD. They have had an issue of five million?

Mr. OLMSTED. Yes.

Mr. FITZGERALD. What did they do with them?

Mr. OLMSTED. They used the money in improving the ports and highways and building schoolhouses.

Mr. FITZGERALD. When will they finish those improvements?

Mr. OLMSTED. They have very important and necessary public works which they are very anxious to finish. I wish to state, Mr. Speaker, that all these improvements have to be done by the General Government; there is no county government, and, of course, no State government.

Mr. FITZGERALD. What rate of interest did we fix on the railroad bonds guaranteed to the Philippine Government?

Mr. OLMSTED. I think it was 4 per cent. I am not certain about that.

Mr. FITZGERALD. Why do we borrow money and pay 4½ per cent when the railroads over there can borrow with the Government guarantee at 4 per cent?

Mr. OLMSTED. We do not expect that it will be necessary to pay 4½ per cent. The Philippine bonds which were issued to bear 4 per cent were sold at a premium, which brought the interest down to about 3 per cent.

Mr. FITZGERALD. This provides 4½ per cent.

Mr. OLMSTED. Well, we do not know what the rate of interest may be at the time of the issue of the bonds, but they probably will be sold so as to reduce the interest to 3 or 3½ per cent. Four and one-half is named as the maximum.

Mr. FITZGERALD. What objection is there to making these improvements out of the current revenues of the islands?

Mr. OLMSTED. Well, there are improvements needed of such importance and of such probable expense that it would be burdensome to impose the tax upon the people all at once.

Mr. FITZGERALD. What are the revenues of the islands now?

Mr. OLMSTED. The revenues are some \$8,000,000 or \$9,000,000 per annum.

Mr. FITZGERALD. Are those merely the customs, or do they include all kinds of taxes?

Mr. OLMSTED. They include all kinds of taxes—land taxes, licenses, and so forth.

Mr. HARRISON. What are the annual expenses of the Government?

Mr. OLMSTED. The annual expenses are very nearly that, but they have not expended quite their entire revenue. They have a small surplus all the time.

Mr. HARRISON. What is the amount of that surplus now?

Mr. OLMSTED. At the present time the surplus unappropriated is, I am informed, about \$1,000,000.

Mr. HARRISON. Where is that surplus?

Mr. OLMSTED. It is in the custody of the treasurer of the Philippine Islands. I can not say just where it is.

Mr. HARRISON. Is it on deposit in banks in the United States?

Mr. OLMSTED. I do not think the workable surplus is.

Mr. HARRISON. What have they on deposit in the United States?

Mr. OLMSTED. Some of their deposits are in the United States. Some portion of the fund which they are required to keep to maintain the parity of money—how much I can not say—is deposited in the United States banks.

Mr. HARRISON. Is it six or eight or ten millions?

Mr. OLMSTED. Not as much as that.

Mr. HARRISON. How much of that are they required by law to keep on deposit?

Mr. OLMSTED. They have the amount they are required to keep.

Mr. HARRISON. So there is no surplus of working balance in the United States?

Mr. OLMSTED. There is no such surplus in the United States that could be used for this purpose.

Mr. HARRISON. So they have only an actual working surplus of a million dollars?

Mr. OLMSTED. A million dollars; something like that.

Mr. HARRISON. Can the gentleman tell us what the necessity for this bond issue? Why should the Philippine Government undertake public work far in excess of their revenues?

Mr. OLMSTED. Every government does that, and every city and every State has to do it. This, of course, is a comparatively new government. The relation of the Philippine Government to the city of Manila is something like the relation of our Government to the city of Washington. All the improvements there are built by the General Government, all the schoolhouses are built by the General Government, all the roads are built by the General Government, all the bridges are built by the General Government, and the harbors are improved by the Government. The harbor at Manila now has not much more than half the capacity of the demands upon it.

Mr. HARRISON. What responsibility, if any, does our Government assume in connection with this permission to issue bonds?

Mr. OLMSTED. Not a particle.

Mr. HARRISON. Why is it, then, deemed necessary to require that the President shall sign the law?

Mr. OLMSTED. It is thought a wise provision, because to a certain extent we are responsible for the well-being of those people and for their good government, and it was thought advisable to put that in, so that they would not have any extravagant expenditures.

Mr. HARRISON. The gentleman evidently, then, believes that at least the moral responsibility will be assumed by the United States?

Mr. OLMSTED. No financial responsibility; but, of course, it would be discreditable to the United States if that Government should be mismanaged.

Mr. HARRISON. If the backing of the United States is behind these bonds, why do we have to borrow money at 4 or 4½ per cent?

Mr. OLMSTED. I do not think we have to do so. As I have already stated, the \$5,000,000 of bonds that they did sell bear 4 per cent and were sold at a premium that made a handsome profit. This is merely a maximum.

Mr. HITCHCOCK. Do I understand the gentleman to say the credit of the United States is not involved in these bonds?

Mr. OLMSTED. It is in no way pledged.

Mr. HITCHCOCK. But what about the railroad bonds which have been used over there?

Mr. OLMSTED. I do not understand that the United States is responsible for the railroad bonds. If so, it was by act of Congress. But that does not apply to these bonds. It is not proposed this Government shall be bound for one farthing.

These people need all these improvements, and they have them in contemplation on some of the works proposed. They need bridges, and they need roads, and they need improvements in the harbors, and they need schoolhouses.

Mr. HITCHCOCK. What does the gentleman mean by "these people?"

Mr. OLMSTED. The Filipino people.

Mr. HITCHCOCK. What action has their assembly or legislative body taken in regard to this law?

Mr. OLMSTED. Their Representative here has demanded the passage of this act. Mr. QUEZON appeared before our committee and said that every inhabitant of the island wanted it—Filipinos, Americans, and Igorots.

Mr. HITCHCOCK. I would like to ask the gentleman, Has there been some charge before this committee that money of the Philippine Government has been expended in the supposed improvements or in making this general improvement which, in fact, has been expended for the improvement of private property over there?

Mr. OLMSTED. No; I think not. There was a suggestion that something of that kind had occurred in the friar lands, that something of that sort had been promised to one of the estates, but there was no evidence of the fact. There was a road built through or near some estate, but I forget when or what it cost.

Mr. HITCHCOCK. Was not the answer made that the improvement was justified because it was a part of the contract when the friar lands had been sold, or that there was an assurance that the road would be built out of public funds as an improvement of the property?

Mr. OLMSTED. No. I do not care, Mr. Speaker, to use any more of my time, and I reserve the balance.

Mr. COOPER of Wisconsin. I would like to ask the gentleman a question. You say that there can not be more than \$10,000,000 of indebtedness?

Mr. OLMSTED. This increases it \$5,000,000; from \$5,000,000 to \$10,000,000.

Mr. COOPER of Wisconsin. Suppose the maximum was reached under this, what would the total debt of the island be?

Mr. OLMSTED. Ten million dollars, and there are \$4,000,000 of bonds in Manila and the friar-land bonds, which the gentleman knows about, against which there is a contingent fund.

This bill, which I think passed the Senate unanimously, was carefully considered in the Committee on Insular Affairs and unanimously reported to this House. Its one and only purpose is to authorize the Government of the Philippine Islands to issue additional bonds from time to time to an amount not exceeding \$5,000,000, for the purpose, as stated in the bill itself—

Of providing funds to construct port and harbor works, bridges, roads, buildings for provincial and municipal schools, courthouses, penal institutions, and other public improvements for the development of the Philippine Islands by the general government thereof.

It is favored by the Secretary of War and by the President, as may be seen from the letter of the Secretary, addressed to me as chairman of the Committee on Insular Affairs, under date of April 8, 1910, and reading as follows:

WAR DEPARTMENT,  
Washington, D. C., April 8, 1910.

MY DEAR MR. OLMSTED: I have been advised by Gen. Edwards of your letter to him of the 7th instant, concerning Senate bill 7400, which has passed the Senate and is now before your committee, increasing the limit of indebtedness which may be incurred by the Philippine Government for public works and improvements from \$5,000,000 to \$10,000,000.

By section 2 of the act of February 6, 1905, the Philippine Government was authorized to incur indebtedness for public works and improvements, but the indebtedness of said government under that authority was limited to \$5,000,000. Under this authority the Philippine Government has issued bonds as follows:

March 1, 1905, \$2,500,000; February 1, 1906, \$1,000,000; August 1, 1909, \$1,500,000.

Ample sinking funds have been provided by the Philippine Government for the payment of the principal of these bonds when due, and there has been no difficulty in meeting promptly the interest payments. The financial condition of the Philippine Government is at present excellent.



With the proceeds of these bond issues the Philippine Government has constructed important public works, notably the harbor improvements at Manila, Cebu, and Iloilo, and has expended considerable amounts for the construction and maintenance of highways. There had been expended at the end of the last fiscal year all but \$410,000 of the proceeds of the \$3,500,000 bonds at that time outstanding. This balance and the proceeds of the sale of the remaining \$1,500,000 of bonds have been appropriated for public works now under way or authorized.

The Governor General of the Philippine Islands is anxious that there shall be no delay in carrying on the work at present authorized or which it may be necessary to undertake in the near future, due to the lack of funds, and with the approval of the Philippine Commission he has earnestly recommended an increase of the limit of indebtedness which may be incurred for the purpose indicated from \$5,000,000 to \$10,000,000.

After carefully considering this matter I have decided to recommend that this authority be granted, and in this the President concurs. Bonds can not be issued under this authority, except in pursuance of legislation by the Philippine Government approved by the President of the United States. This insures a careful consideration of the subject before any issue can be made, and it is largely because of this assurance that I recommend this legislation.

I hope that the committee may see fit to favorably report the bill, and that it may be enacted into law at this session of Congress.

Very sincerely, J. M. DICKINSON, Secretary of War.

Hon. M. E. OLMSTED,  
Chairman Committee on Insular Affairs,  
House of Representatives.

Neither the passage of this bill nor the issuance of the bonds will involve the expenditure of any money by the United States nor the loan of the credit of this Government in any way. It has been suggested that this Government is the trustee or the guardian of the Philippine Islands. What sort of a guardian would it be who would not expend, or permit his ward to expend, out of his own money an amount sufficient for his necessary expenses? Except for restrictions placed upon the Philippine Government by act of Congress, it might borrow as much money as it needed. Why shall they be unreasonably restricted in making the improvements which the development of the islands so imperatively demand? With this added authority, even should it be exercised to the fullest extent, the indebtedness of the Philippine Islands would be far within the constitutional limitations placed by the various States upon the creation of indebtedness by their own municipalities. There is no danger that the fund raised by the sale of these bonds will be squandered or misused. The only argument squinting in that direction is based upon the proposition that the Philippine Government has built a few miles of road, the necessity for which no one has denied, leading out from the city of Manila, the most important and populous city in the islands. The only objection urged is that the road leads in the direction of a property leased by an officer of the Philippine Government with an option to purchase, but which option, it might be added, was never exercised. The necessity for the road amply justified its construction, even though it did include a necessary bridge, which cost some \$10,000.

Mr. Speaker, there is no State in this Union nor any city within any State whose financial affairs have been more wisely and honestly handled than those of the Philippine Islands since the American occupation. It is a matter of which we have great reason to be proud and upon which we ought to congratulate ourselves, as well as the Filipino people. No fault is found upon that side of the water. It is only here that unjust criticism is heard. Under this bill, if it shall become a law, not a single bond can be issued without the authority of the Philippine Assembly, composed entirely of natives of the islands. A measure providing for the issuance of bonds must originate in that body. It could not originate in the Philippine Commission, which is the upper house of the Philippine Legislature; but after it shall have passed the lower branch, it must have the approval of the upper house. When all that has been done, the bonds can not be issued without the approval of the President of the United States. Surely, with all these guaranties, we may safely rely upon the careful, judicious, wise, and honest exercise of the limited power to issue bonds sought to be conferred by the passage of this bill. [Applause.]

Mr. HARRISON. I now yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I do not believe in borrowing money on bonds unless it is imperatively necessary. It has always seemed to me that when the present generation desires to make improvements at the expense of their children they are taking an unfair advantage of those who will come after us. That is particularly true where we propose to authorize the people in the Philippine Islands to make improvements which we desire to have made, and which we propose that the children of the Filipinos shall pay for, and their children's children, perhaps. I do not believe in it.

I do not believe we ought to try to exploit the Philippine Islands in any way. I can see no reason why, if they need

improvements over there, ordinary improvements, they should not make them out of the current revenue.

It has been proposed here at times that our Government should borrow \$500,000,000 or \$5,000,000,000, or some other sum like that, for various public improvements. We have not inaugurated any such policy, and I can see no reason why we should inaugurate such a policy in the Philippine Islands. We give them the best end of the import duties, we give them every opportunity to raise money for current expenses, and they ought to make their improvements out of that money.

Mr. OLMSTED. Will the gentleman yield?

Mr. MANN. If the gentleman will yield me more time.

Mr. OLMSTED. I have but little time. These Filipinos would have a right to borrow this money, would they not, if Congress had not restricted them?

Mr. MANN. Very likely, and they would have a right to do a great many things if Congress had not restricted them.

Mr. OLMSTED. Does the gentleman think it is fair for Congress to restrict them from spending their own money on needed improvements in their own country? Is it not the same as it would be if the Government should restrict the State of Illinois?

Mr. MANN. Not at all. The constitution of the State of Illinois, and probably of Pennsylvania—if it does not it ought to—has restrictions against municipal bonded indebtedness. Every constitution of every proper State in the Union has provisions which limit the amount of indebtedness.

Mr. PARSONS. Yes; it limits the amount.

Mr. MANN. It limits the amount, and it would be a blessed good thing if in the city of New York there was a limitation of the amount, and properly enforced, because the time is not far distant when the people of New York will find that the payment of interest on their bonded indebtedness is more than equal to the current needs for additional improvements.

Mr. OLMSTED. Will the city of Chicago pay for current improvements out of its current revenues?

Mr. MANN. The city of Chicago does pay for current improvements out of the revenue of the city of Chicago. The city of Chicago has indebtedness now which was incurred more than 40 years ago, and which is still outstanding, raised for the purpose of making improvements which have passed away.

The indebtedness is not yet paid, the improvements are out of date, and the children yet to come have the indebtedness to pay and will derive no benefit whatever from the improvements. That is exactly what will occur in the Philippine Islands if we let this sort of thing go through. I am opposed to it.

Mr. OLMSTED. I would like to state that the limit of debt provided for here would be less than 3 per cent on the assessed valuation. Does the gentleman know of any State which has in its constitution so rigid a restriction as this bill would enforce upon the Filipinos?

Mr. MANN. I am not going to argue that question with the gentleman. It has nothing to do with this question whatever.

Mr. OLMSTED. It has a great deal to do with it.

Mr. MANN. Not at all.

Mr. OLMSTED. We are crippling them by restrictions.

Mr. MANN. How much indebtedness does the State of Pennsylvania have outstanding?

Mr. OLMSTED. It has not got a dollar outstanding.

Mr. MANN. Well, why does it not borrow money to make improvements? Why does not the State of Pennsylvania borrow money to build a road from here to Gettysburg?

Mr. OLMSTED. They are about to borrow fifty millions to complete roads. They are contemplating that.

Mr. MANN. Very likely they are contemplating, and if they do, somebody will live to regret it.

Mr. OLMSTED. They did borrow heretofore more than \$50,000,000 for public improvements, but they have paid that off.

Mr. MANN. Yes; they borrowed large sums of money possibly to build a statehouse, and we have heard of that statehouse and the use that the money was put to. It never appealed to me very much, I will say to the gentleman from Pennsylvania, although I don't know anything about it.

Mr. OLMSTED. The statehouse is paid for, and it is the handsomest one in the United States.

Mr. MANN. It is the most expensive one at least.

Mr. OLMSTED. No; it is the cheapest.

Mr. HARRISON. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, I had not intended to say anything whatever about this measure, but a question—and a rather embarrassing question under the circumstances—was put to the chairman of the committee by a Member on this side with reference to a matter involved in the investigation now

pending before his committee, and upon which he is supposed to pass as a judge and therefore perhaps he could not very well answer that question. The question asked the gentleman was whether the funds of the Philippine Government had been expended to improve or build roads and bridges to and upon private estates. I want to say, for the information of this committee, that it has been developed before the Committee on Insular Affairs by officials of the Philippine Government, that the public funds of that island have been so expended, and that the Philippine Government entered into a contract with one of the Philippine officials, to whom it sold one of these friar estates, or to whom it gave a lease with the option of purchase, that the influence of the officials would be used to secure the construction of roads and bridges to and upon that estate.

Now, it is true that the evidence does not show that any roads or bridges have been built upon the land itself, but it does show that they had been built from the city of Manila to the estate, and one of these officials—in fact, the official who has the lease on the estate—produced a photograph of a concrete steel reinforced bridge the construction of which he said had cost about \$10,000 in gold. He also admitted that there had been one smaller bridge of that character and 15 or 16 concrete steel reinforced culverts built on the road from Manila leading up to his estate, and that about a mile of that road had been macadamized.

Mr. PARSONS. How many miles was that bridge from Manila?

Mr. MARTIN of Colorado. Well, it is only 7 miles from the city limits to the nearest point on this estate, but it does not make any difference how many miles the bridge is from Manila. The fact remains that that bridge and all of these other bridges were built subsequent to and in pursuance of the terms of an agreement entered into between the Philippine Government and one of its leading officials, when it gave this lease with option to purchase one of these friar estates which were taken over from the original owners for the ostensible purpose of distributing them among the tenants and among the Filipino people. Nor is it pertinent to the inquiry as to how much money has been expended in this way.

It is not a question to be measured merely by the expenditure that has been made, but it is a question of the character of the agreement that has been entered into, and it is a question of what may be expended under such an agreement. That is one way in which this money could be expended. If it was right to sell one of these estates to one Philippine official and build roads and bridges for him, then it would be right to sell to all the other Philippine officials and build roads and bridges to their estates. There is no difference in principle or in any of the attaching circumstances in this case.

But there is another way in which this money may be expended. In the Philippine Islands they have a summer capital up in the mountains, established for the comfort and convenience of the Philippine Government, and it is a sort of mountain summer resort, and all of the leading officials of the Philippine Government have bought themselves tracts of land in this summer capital. Some of them own as much as 12 or 15 acres of land and they have spent a large sum of money—I do not know how much, but not large by way of what will eventually be expended—in improving and beautifying this summer capital.

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. I yield the gentleman five minutes' additional time.

Mr. MARTIN of Colorado. So it is fair to assume some of this additional bond issue will be wanted to improve the summer capital at Baguio. Perhaps some more will be wanted to finish the famous Benguet Railroad, which, by the way, is a road—

Mr. OLMSTED. If the gentleman will read the bill, he will see that railroads are not among the proposed improvements.

Mr. MARTIN of Colorado. I was about to say this Benguet Road is a wagon road of about 40 miles in length—

Mr. SHEPPARD. The term here, "other public improvements," will include almost everything.

Mr. MARTIN of Colorado. Yes; I think the suggestion of the gentleman from Texas is pertinent, and that the words "other public improvements" might include anything and everything. But I say some of this proposed bond issue might be expended on the Benguet Road, which extends from the nearest railroad point to Baguio and is a wagon road about 40 miles in length, which is said to actually have cost over \$1,000,000, though some one has stated that it has cost \$2,000,000 or \$3,000,000, and it is not finished yet. It is said to be the worst piece of extravagance and incompetence, not to use a

worse characterization, of the American administration in the Philippine Islands.

Probably some part of this bond issue will be devoted to finishing the Benguet Road, so that our Government over there will have a safe, suitable, and convenient method of travel from Manila to the summer capital.

Now a word with reference to taxation. I am sorry I did not know this bill was coming up. I have in my office a copy of a memorial from the Filipino Chamber of Commerce in Manila to the Secretary of War when he made his recent visit to the Philippine Islands, and it paints a vastly different picture of the conditions existing there from that given by the Secretary of War to Congress and the country on his return. The statement, among other things, is that the Filipino people are now taxed about \$21,000,000 per annum, and that the amount of their taxation exceeds the circulating medium of the Philippine Islands \$21,000,000—

Mr. COOPER of Wisconsin. Twenty-one million pesos.

Mr. MARTIN of Colorado. Twenty-one million pesos, and that amount exceeds by about \$1,000,000 the entire circulating medium of the islands. So it is, perhaps, for some of these purposes that some of this bond issue is intended. I would like to ask the gentleman from Pennsylvania a question, and that is, Under what provision of law the Philippine Government guarantees the interest on railroad bonds and indebtedness on railroads constructed by private persons or companies?

Mr. OLMSTED. I desire to say to the gentleman that I never made the assertion that our Government has guaranteed—

Mr. MARTIN of Colorado. Well, I make the assertion the Philippine Government has at this time guaranteed the interest on half a million dollars or more of railway bonds.

Mr. MANN. We passed such a law here a few years ago.

Mr. OLMSTED. That was authorized by act of Congress, as I understand it.

Mr. MARTIN of Colorado. Then, that being the case, will any part of the fund to be raised by this additional bond indebtedness be devoted to making good those guaranties of interest?

Mr. OLMSTED. No; it would not.

Mr. MARTIN of Colorado. Or be held as a reserve to guarantee the payment of future issues by the Philippine Government of that character.

Mr. OLMSTED. The bonds issued under this bill could not be used for that purpose.

The SPEAKER. The time of the gentleman has again expired.

Mr. HARRISON. Will the gentleman on the other side consume some of his time?

Mr. OLMSTED. We prefer to hear the gentlemen on that side.

Mr. HARRISON. Mr. Speaker, it is not my intention to make any extended remarks about this measure. My purpose in demanding a second was primarily to obtain an explanation from the gentleman from Pennsylvania, although I was then and am now, after hearing that explanation, opposed to the bill. In acting for the people of the Philippine Islands we act as trustees. Now, the reason assigned by the gentleman from Pennsylvania for this additional bond issue is simply that the people of the Philippine Islands want it. We are their guardians or trustees, and the primary consideration in our minds should not be what those people want, but what they ought to have.

Mr. OLMSTED. They need it.

Mr. HARRISON. We are their guardians, just as if they were children. They are not fit for self-government. If they were, we ought to cut loose from them to-day and make them independent and self-governing. They are not fit to do that, and before we force a bond issue which will be a burden upon them and their descendants for years to come, some proper measure of justification should be advanced in explanation of this bill. Such measure has not been advanced, in my judgment, by the gentleman from Pennsylvania [Mr. OLMSTED]. He says they want this money for public improvements. I have no doubt if we let them do it they would go ahead and use two or three hundred millions of dollars and have a perfect carnival of improvement there. We do not allow the Indian tribes to enter into financial burdens. We guard over them, and just so we have to guard over the people of the Philippine Islands. It is not a very grateful task. They are far from us here in Washington, and we have to be very careful of every step we take in their financial development. The gentleman from Pennsylvania [Mr. OLMSTED] no doubt meant to give us all the information he had on the subject.

Mr. OLMSTED. I meant to give all I could in the short time.



Mr. HARRISON. But he did not make it plain to me what the necessity was for this issue; he did not make it plain to me what the current working balance of the Philippine Islands was; he could not state to me whether the sum of money they now have in the United States is \$5,000,000 or \$10,000,000, or just how much it is; and at the last session of this Congress he was unable to enlighten the House as to just where that money was on deposit. He knew full well that this Capitol was filled with rumors that the treasury of the Philippine Islands had been favoring a certain clique of bankers in New York City to the exclusion of other banking interests of this country, and he could not give us the names; he can not give us the amount now; he can not give us the working balance of the Philippine Islands.

Mr. OLMSTED. Two million dollars.

Mr. HARRISON. Two million dollars. He conceded that statement after having a good many questions showered upon him.

Mr. Speaker, in my judgment, the House does not know enough about this measure to jam it through under suspension of the rules, and I hope the House will vote it down.

Mr. OLMSTED. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. MADISON].

Mr. MADISON. Mr. Speaker, this bill has the unanimous recommendation of the Committee on Insular Affairs, of which I have the honor to be a member. After a very careful consideration of the bill, the committee recommended its passage. Why? Because there was a great necessity for the money which these bonds will provide.

The gentleman from New York [Mr. HARRISON] inquires what the necessity is for the issuance of these bonds and the raising of this money. The answer to that is the purposes for which the money is to be expended. What is the necessity of any new, undeveloped country for ports and harbors? What is the necessity of any undeveloped and wild country for roads? What is the necessity of any new and only partially civilized country for schoolhouses? That is the answer. [Applause.] Those things are absolutely imperative for the development of the Philippine Islands.

Mr. HITCHCOCK. Will the gentleman yield?

Mr. MADISON. I beg the gentleman's pardon, but I have only five minutes.

Mr. HITCHCOCK. Just a question.

Mr. MADISON. No; not at this time. I want to pursue the thought which I am trying to develop here.

The American Government has done a wonderful work in the Philippine Islands. The man who would cast an aspersion upon the work of that Government in those islands ought to think twice before he does it. Some of the bravest, wisest, and best of our countrymen have gone over there and given up their lives and all the splendid opportunities existing for them in their own land to labor for the upbuilding of those people, and the money that has come into their hands has been woefully meager for the accomplishment of the tasks that has been placed upon them. They need the funds these bonds will provide to expedite their work—the development of the material resources and the civilization of the islands. They are not asking for this money in their own behalf, and they do not plead alone, but the entire Filipino people are asking for it. It was stated by the chairman of the committee that Mr. QUEZON, who represents a party in the Philippine Islands that is asking for immediate independence, asks upon behalf of his people for this money. Why? I have no doubt that it is because he realizes that it is necessary that his countrymen shall be educated; that his country shall be developed, in order that the Filipino people may at some time be prepared to assume the responsibilities of government, a government that will be the head of a civilized and prosperous nation.

I want to say this, gentlemen, from my conviction of what is for the greatest good of the Filipino people, that no man who earnestly desires the development, the growth, the civilization of these people should for one moment hesitate in casting his vote for this measure.

No bonds will be issued without the consent of the Filipinos. They have the matter in their own hands through their legislature. The bill that authorizes the issuance of these bonds must originate in the Philippine Assembly. Every man who has a seat in that body is a Filipino. Then the bill must go to the Philippine Commission, composed partly of Americans and partly of Filipinos, and be approved there, and then must receive the sanction of the President of the United States.

Now, not a single bond for a single dollar will be issued with these checks, unless it is necessary, and if bonds are issued we have every assurance, from the experience of the past, that every dollar realized from their sale will be honestly expended.

But if you leave these improvements to be paid for from the meager current funds of the Philippine Government, the roads will not be built, the schoolhouses will not be erected, the harbors and ports will not be improved, and you will retard the growth of the Philippine Islands and fail to do your duty as the guardians of an alien people. [Applause.]

Mr. OLMSTED. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the passage of the bill. The question was taken; and on a division (demanded by Mr. HARRISON) there were—ayes 67, noes 34.

Mr. OLMSTED. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. OLMSTED and Mr. HARRISON.

The House again divided; and the tellers reported that there were—ayes 63, noes 44.

So (two-thirds not having voted in favor thereof) the motion was lost.

#### IMMIGRANT STATION, BOSTON.

Mr. KELIHER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 10221) to authorize the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Commerce and Labor be, and he is hereby, authorized to exchange the site heretofore acquired for an immigrant station at Boston, Mass., for another suitable site, the additional cost not to exceed \$30,000.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. KELIHER. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. KELIHER. Mr. Speaker, a law authorizing the purchase of a site and erection of an immigration station at Boston passed the last Congress. The money needed for these purposes was appropriated and is now available. The Secretary of Commerce and Labor, acting under that authority, purchased a site in Boston. After the Government took title, the State of Massachusetts appropriated \$3,000,000 to be expended for the development of Boston's water front. That development would have been greatly marred, if not rendered impossible, if the Government utilized its present site. Consequently it was deemed necessary by the Boston Chamber of Commerce to ask the Government to exchange its site for one that would not interfere with the development scheme. A better site was tendered the Government in exchange and at the same cost per square foot, and far more desirably situated, in the same locality.

As Congress was adjourning for the summer, believing that the exchange might be desired to be made during the recess of Congress, a proviso was written into the public-buildings bill which authorized the Secretary of Commerce and Labor to make the exchange at no additional cost. I drew the proviso but made this mistake, instead of having it read "no additional cost per square foot," I made it read "no additional cost," thus binding the hands of the Government and making the exchange impossible. Consequently the Secretary of Commerce and Labor, although offered a site worth far more per square foot at the same price that was paid for the original site, could not make the exchange. The new site contains more land, and in order to bring about a rectification of the mistake the passage of this bill is asked.

Mr. MANN. I suppose the gentleman from Massachusetts will pay the additional expense.

Mr. KELIHER. Willingly. [Laughter.] The additional expense will come out of the money already appropriated for the purchase of a site.

Mr. STAFFORD. Is the Government going to receive the same amount from the old tract that is to be abandoned for the benefit of municipal government?

Mr. KELIHER. The Government is not only going to get as much as it paid for in the old site, but a great deal more and far better land in order that the great work of development of our dock system may be carried on. Great concessions are being made by individual owners to the Government that these plans may be successfully carried out by the State of Massachusetts.

Mr. STAFFORD. I understand the additional amount of land to the Government property is the reason for this increase?

Mr. KELIHER. Yes; it is larger and a far more practical location than the original site.

Mr. STAFFORD. I have no objection.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### RELIEF OF SUFFERERS IN CHINA.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 32473) for the relief of the sufferers from famine in China, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized to transport, under the supervision of the National Red Cross Society, all supplies donated by the people of the United States for the relief of the sufferers from famine in China, and for this purpose may order one of the Army transports from Seattle, Wash., to China.

The SPEAKER. Is a second demanded? [After a pause.] If not, the question will be taken on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

#### DISPOSITION OF SURPLUS WATERS OF PROJECTS UNDER RECLAMATION ACT.

Mr. REEDER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation acts, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That whenever in carrying out the provisions of the reclamation law, storage or carrying capacity has been or may be provided in excess of the requirements of the lands to be irrigated under the projects, the Secretary of the Interior, preserving a first right to lands and entrymen under the projects, is hereby authorized, upon such terms as he may determine to be just and equitable, to contract for the impounding, storage, and carriage of water to an extent not exceeding such excess capacity with irrigation systems operating under the act of August 18, 1894, known as the Carey Act, and individuals, corporations, associations, and irrigation districts organized for or engaged in furnishing or in distributing water for irrigation. Water so impounded, stored, or carried under any such contracts shall be for the purpose of distribution to individual water users by the party with whom the contract is made: *Provided, however*, That water so impounded, stored, or carried shall not be used otherwise than as prescribed by law as to lands held in private ownership within Government reclamation projects. In fixing the charges under any such contracts for impounding, storing, or carrying water for any irrigation system, corporation, association, or district, as herein provided, the Secretary shall take into consideration the cost of construction and maintenance of the reservoir by which such water is to be impounded or stored, or the canal by which it is to be carried, and such charges shall be just and equitable as to water users under such project.

In fixing rates and charges in such contracts for the storing or carrying of water to any irrigation system, corporation, association, water users, or district, as herein provided, the Secretary shall take into consideration the cost of construction and maintenance of the reclamation project, and such rates and charges shall be just and equitable as to water users under such project. No irrigation system, district, association, or corporation so contracting shall make any charge for the storage, carriage, or delivery of such water in excess of the charge paid by it to the United States except to such extent as may be reasonably necessary to cover cost of carriage and delivery of such water through its works.

SEC. 2. That in carrying out the provisions of said reclamation act and acts amendatory thereof or supplementary thereto, the Secretary of the Interior is authorized, upon such terms as may be agreed upon, to cooperate with irrigation districts, water users' associations, corporations' entrymen, or water users for the construction or use of such reservoirs, canals, or ditches as may be advantageously used by the Government and irrigation districts, water users' associations, corporations' entrymen, or water users for impounding, delivering, and carrying water for irrigation purposes: *Provided*, That the title to and management of the works so constructed shall be subject to the provisions of section 6 of said act: *Provided further*, That water shall not be furnished from any such reservoir or delivered through any such canal or ditch to any one landowner in excess of an amount sufficient to irrigate 160 acres: *Provided*, That nothing contained in this act shall be held or construed as enlarging or attempting to enlarge the right of the United States, under existing law, to control the waters of any stream in any State.

SEC. 3. That the moneys received in pursuance of such contracts shall be covered into the reclamation fund and be available for use under the terms of the reclamation act and the acts amendatory thereof or supplementary thereto.

The title was amended so as to read: "An act to authorize the Government to contract for impounding, storing, and carriage of water, and to cooperate in the construction and use of reservoirs and canals under reclamation projects."

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. REEDER. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. REEDER. Mr. Speaker, this bill will have the effect of expediting the irrigation of lands in the West on account of these conditions. In many of the irrigation projects there is a large amount of land which can be irrigated. There is generally but one right good place to impound the waters, and the Government has followed the plan of separating the project into units, and in doing so certain lands that could be irrigated can not be irrigated for a number of years, yet a large

per cent of the initial expense for the whole project is necessarily made at first. This bill provides that when the Government has undertaken a project and started in to build a reservoir and ditches, if private individuals desire to come in and take another unit of that same project and assist in building the dams and ditches and paying for the extra expense necessary to this land, the Government will permit the impounding of the waters therefor in the reservoir and carry this water in Government ditches.

Mr. MANN. Will the gentleman yield?

Mr. REEDER. Yes, sir.

Mr. MANN. If the gentleman will permit, I will not occupy any of my own time, but use some of his. The gentleman is the chairman of the committee which reported this bill, which is a Senate bill. The bill as reported is materially different from the bill as it passed the Senate. The Senate bill, in my opinion, is very objectionable. Is it the intention when this bill passes the House in the shape that it is reported to the House to reinstate the provisions of the Senate bill without even controversy?

Mr. REEDER. Mr. Speaker, I think I am safe in saying that the Senate will not ask that such provision be reinserted. If they do, we will certainly insist that our provisions remain in the bill, for the reason our changes have been made largely if not entirely with the idea of not establishing a system of selling water, but simply of permitting the impounding and carrying of the water which is appurtenant to their lands.

Mr. MANN. It was feared by many, Mr. Speaker, when the Reclamation Service was provided for, that it would lead in the end to the Government expending large sums of money for the benefit of private individuals who were then owners of lands. That fear is in part realized by the provisions of this bill. I am not entirely certain, but they are in part realized by the provisions of the bill as amended by the House committee. I have always been perfectly willing to provide for the Reclamation Service. I am not in favor of the Government, at Government expense, providing for the irrigation of the lands of individuals or turning over the water to companies out there to make profit by being middlemen between the water which is reserved and the water which is used. With those observations, as far as I am concerned, I do not propose to say anything more.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

#### WATER POWER ON IRRIGATION PROJECTS.

Mr. REEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 32172) to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That section 5 of an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906, be amended so as to read as follows:

"SEC. 5. That whenever a development of power is necessary for the irrigation of lands, under any project undertaken under the said reclamation act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding 10 years, giving preference to municipal purposes, any surplus power or power privilege, and the money derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided*, That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation projects: *Provided further*, That the Secretary of the Interior is authorized to make such lease for a longer period not exceeding 50 years, with the approval of the water users' association, or associations under any such project, organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section 6 of the reclamation act, approved June 17, 1902."

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. REEDER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. REEDER. The object of this bill is simply to permit the lease of the power obtained from the escape of water from these irrigation reservoirs when it is to be used for irrigation, and that the time fixed for such lease be 50 years. This length of time is set by the amendment, because the general policy in leasing water powers by the Government seems to be 50 years, for the reason that they can not be profitably improved for a shorter time.



Mr. MANN. But in the bills which we have passed in reference to dams elsewhere and in the general dam law, the Government reserves the right to make such alteration or amendment in reference to the projects as it pleases.

Mr. REEDER. But this is not a bill that pertains to a dam.

Mr. MANN. Does not the gentleman's bill propose to give to the Secretary of the Interior power absolutely to give these water rights for 50 years in such a way that Congress can not in any way interfere with them after that is done, and Congress will have no control?

Mr. REEDER. This has nothing to do with the building of a dam, but when a reservoir is built and the water is permitted to escape therefrom to irrigate the land the power produced can be leased for a term of 50 years.

Mr. MANN. I fail to see where we put control over a man who puts in a dam we should fail to put control over where we put Government money into a dam, and perhaps produce water power. It does not seem to me that makes a strong case for the gentleman.

Mr. REEDER. Every particle of the money that goes into these reservoirs is the people's money who own the lands to be irrigated from these reservoirs.

Mr. MANN. It is not the people's; it is the money of the United States.

Mr. COLE. Mr. Speaker, there are two changes to existing law in this bill. In existing law the Secretary of the Interior is authorized to make leases for a period not exceeding 10 years of any water power developed in conjunction with one of these Government irrigation projects. The theory underlying that is that at the expiration of the 10-year period this power would be owned by the Water Users' Association. Now we provide that the Secretary of the Interior shall be authorized to lease this power for a longer period than 10 years, not exceeding 50, with the approval of the Water Users' Association. Why? Because the Water Users' Association has an equity in the water power which the Secretary of the Interior can not and is not under existing law, or under any law, authorized to dispose of. In conjunction with the project down in New Mexico and Texas the Water Users' Association want to develop this water power for certain purposes, and they are asking for the passage of this amendment because they can not develop this power on a lease for only a period of 10 years.

That is the reason, Mr. Speaker, they are asking Congress for relief at this time. It is simply putting into the hands of the Water Users' Association, who own this power at the expiration of 10 years, the power to approve or disapprove of the action of the Secretary of the Interior. It occurs to me it is placing the power where it belongs—in the hands of the men who are paying for the project.

Mr. MARTIN of South Dakota. If the gentleman will permit me, of course after the 10 years the property would pass over to the Water Users' Association and they could lease for any period of time they desired.

Mr. COLE. Yes.

Mr. MARTIN of South Dakota. This bill would permit the binding up of that power for a period of 50 years and during the period when the project was in its formative state.

Mr. COLE. With their consent.

Mr. MARTIN of South Dakota. Certainly; with their consent, but does the gentleman think it a wise policy in the early stages of the development of irrigation enterprises of that kind to put a lien upon the power that might be developed for a period of 50 years?

Mr. COLE. Now, Mr. Speaker, let me answer in the same way that the representatives of the Water Users' Association placed it before the committee. They claim that by the installation of this machinery during the development of the property they can effect great economy, and that is the reason why they want these leases extended at that time. They can not float these bonds in the 10-year period. They must have a longer period of time.

Mr. MARTIN of South Dakota. The Government, in the first instance, and the Water Users' Association, in the second instance, would be under obligation to maintain the power.

Mr. COLE. This bill incurs no liability on the part of the Government whatever. It only modifies existing law in those two particulars.

Mr. MARTIN of South Dakota. Of course, ordinarily when we consent to a long lease of water privileges we expect the lessee to make the improvements and make the expenditures, but here is a proposition where you practically bind the Government, in the first instance, and the Water Users' Association, in the second instance, to maintain this reservoir and dam over a period of 50 years. It might be a burden upon this enterprise and absolutely swamp the irrigation project.

Mr. COLE. They might agree at the end of 10 years as at present.

Mr. MARTIN of South Dakota. I think it is wrong to put on these reclamation projects, which are organized primarily to irrigate lands for settlers, an obligation to bind them up for 50 years to maintain a condition by which power could be delivered to any company or association of individuals. This is evidently a subject that ought not to be disposed of in this hop-skip-and-jump manner after 6 o'clock in the afternoon.

Mr. COLE. I agree with the gentleman that this is a serious matter, and perhaps should have more consideration than the House can give it this afternoon. But we are nearing the closing hours of this session and it is necessary to pass judgment in important matters in a short period of time.

Mr. MARTIN of South Dakota. But here is a policy that has been developed for years, and, as one of the members of the committee that drafted the reclamation law, certainly I should oppose putting onto it a subsidiary power proposition for a term of 50 years that might in the end prove very embarrassing.

Mr. COLE. I have also been a member of this committee for a period of six years. I have watched with great interest the development of many of these irrigating projects, and when these gentlemen appeared and asked for this relief, and demonstrated to the satisfaction of the committee that it would work an economy of at least \$1,000,000 to this project, it occurred to me that it was the duty of this committee and Congress to grant the relief asked for.

Mr. MARTIN of South Dakota. I think it would be much better to pass an act to relieve that particular situation rather than to pass a measure to take on all projects of this sort.

Mr. REEDER. Let me read for the gentleman's benefit, beginning on line 13, page 2, of the bill:

No lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: *Provided further*, That the Secretary of the Interior is authorized to make such a lease for a longer period, not exceeding 50 years, with the approval of the water users' association or associations under any such project, etc.

It can not be made a detriment to the water users, and then, too, it is with their consent. It seems to me it is a perfectly safe proposition.

Mr. MONDELL. Mr. Chairman, it seems to me this legislation ought to be enacted. I can not conceive of any condition which could arise under which a burden would be placed upon a reclamation project by this legislation. What we are providing for is an income to the project. Surely, the Secretary of the Interior will make no contract under which a water users' association or the Reclamation Service will be placed under any obligations to deliver any power, or any water for the production of power, which it does not possess. At the end of about 10 years these projects, if they move along in an orderly way, pass into the hands of the people—the water users' association.

Now, it seems to me it might occur during that period of 10 years that it would be greatly in the interest of the project and in the interest of the people who live under it, that they have an opportunity to enter into a contract with parties desiring to use power for the surplus power developed by the project. And that is what this act proposes. It is true the contract is made by the Secretary of the Interior, but it, in fact, is made by the water users' association, because except the water users' association approve of it, it can not be made beyond the period of 10 years, and as these projects do develop a considerable amount of water power, and we are leaving in the hands of the people directly interested the opportunity to say whether or no the contract shall be made, and what the form of the contract shall be, the legislation, it seems to me, is clearly in the interest of the people directly interested in the project and those who own the land under the project.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken, and the Chair announced that the ayes seems to have it.

Mr. MANN. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 28, noes 26.

So (two-thirds not voting in favor thereof) the motion to suspend the rules and pass the bill was lost.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 7901. An act providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the Navy;

S. 1318. An act for the relief of Arthur H. Barnes;

S. 7128. An act granting to the town of Wilsoncreek, Wash., certain lands for reservoir purposes;

S. 5873. An act for the relief of John M. Blankenship;

- S. 4780. An act for the relief of the heirs of George A. Armstrong;
- S. 3494. An act for the relief of Edward Forbes Greene;
- S. 3097. An act for the relief of Douglas C. McDougal;
- S. 2429. An act for the relief of the estate of James Mitchell, deceased;
- S. 1028. An act to appoint Warren C. Beach a captain in the Army and place him on the retired list;
- S. 8353. An act for the relief of S. S. Somerville;
- S. 10324. An act extending the provisions of the act approved March 10, 1908, entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.;"
- S. 10288. An act granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.;
- S. 9405. An act to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes;"
- S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;
- S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;
- S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;
- S. 8583. An act for the relief of Malcolm Gillis; and
- S. J. Res. 94. Joint resolution authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution.

#### MONUMENT AT GERMANTOWN, PA.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9137) to appropriate the sum of \$30,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, with amendments.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the expenditure of the sum of \$25,000 is hereby authorized to aid in erecting a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America: *Provided*, That no part of the sum herein authorized shall be expended until there shall have been raised and made available for the erection of said monument an additional sum of at least \$25,000: *Provided further*, That the design of said monument shall be approved by the Secretary of War, the governor of the State of Pennsylvania, and the president of the National German-American Alliance; and the money for the erection of the said monument shall be expended under the supervision of the Secretary of War, the governor of Pennsylvania, and the president of the National German-American Alliance: *And provided further*, That the responsibility for the care and keeping of the said monument shall be and remain with the city of Philadelphia, Pa., it being understood that the United States shall have no responsibility therefor.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question being taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed. The title was amended.

#### WEIGHING SILVER COIN.

Mr. MCKINLEY of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 24885) to amend section 3536 of the Revised Statutes of the United States, relating to the weighing of silver coins.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 3536 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 3536. In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime,  $1\frac{1}{2}$  grains."

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### STANDARDS FOR COINAGE.

Mr. MCKINLEY of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 24886) to amend sections 3548 and 3549 of the Revised Statutes of the United States, relative to the standards for coinage.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 3548 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 3548. For the purpose of securing a due conformity in weight of the coins of the United States to the provisions of the laws relating to coinage, the standard troy pound of the Bureau of Standards of the United States shall be the standard troy pound of the Mint of the United States, conformably to which the coinage thereof shall be regulated."

Sec. 2. That section 3549 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 3549. It shall be the duty of the Director of the Mint to procure for each mint and assay office, to be kept safely thereat, a series of standard weights corresponding to the standard troy pound of the Bureau of Standards of the United States, consisting of a 1-pound weight and the requisite subdivisions and multiples thereof, from the hundredth part of a grain to 25 pounds. The troy weight ordinarily employed in the transactions of such mints and assay offices shall be regulated according to the above standards at least once in every year, under the inspection of the superintendent and assayer; and the accuracy of those used at the mint at Philadelphia shall be tested annually, in the presence of the assay commissioners, at the time of the annual examination and test of coins."

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question being taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK.

Mr. MOON of Tennessee. Mr. Speaker, I move to suspend the rules and pass House joint resolution (H. J. Res. 146) creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camp of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park.

The Clerk read the House joint resolution, as follows:

*Resolved, etc.,* That the President of the United States be, and he is hereby, authorized and directed to appoint a commission consisting of five officers of the Army of the United States to make a full and complete investigation, and consider carefully whether or not it is advisable to make, establish, and maintain a maneuvering ground and camp of inspection for United States troops at or near the Chickamauga and Chattanooga National Military Park. Said commission shall fully consider the advantages and disadvantages of the lands contiguous to or near to said park for the purposes herein stated, and report fully as to probable number of acres of land necessary to purchase, and the probable cost of the same, and as to all facts and conditions material to be considered in the premises. The report shall be filed in the War Department by December 1, 1911, and communicated to Congress thereafter as soon as practicable by the President.

Sec. 2. That the members of said commission shall serve without pay, but shall be paid their necessary expenses for traveling and hotel bills out of the appropriation for Chickamauga and Chattanooga National Military Park.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question being taken, and two-thirds having voted in favor thereof, the rules were suspended, and the House joint resolution was passed.

#### MEMORIAL TO COMMODORE PERRY.

Mr. KEIFER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 29503) to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812.

The Clerk read the bill at length.

Mr. MACON. Mr. Speaker, I make the point of no quorum. I do not think we ought to sit here and appropriate \$250,000 with so small a number of Members present.

The SPEAKER. The Chair sustains the point of no quorum.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. JAMES) there were 29 ayes and 24 noes.

So the motion was agreed to; accordingly the House (at 6 o'clock and 29 minutes) adjourned until to-morrow, Wednesday, February 8, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting findings as to claims of letter carriers of Greater New York for additional salary (H. Doc. No. 1361); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for maps (H. Doc. No. 1362); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the president of the Washington Gas Light Co., transmitting the report for the year ended December 31,



1910 (H. Doc. No. 1363); to the Committee on the District of Columbia and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. H. 32473) for the relief of the sufferers from famine in China, reported the same with amendment, accompanied by a report (No. 2079), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NYE, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 32221) to establish a new judicial district in the State of Kansas, reported the same with amendment, accompanied by a report (No. 2083), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the resolution of the Senate (S. J. Res. 132) authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon, reported the same without amendment, accompanied by a report (No. 2084), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the Senate (S. 3662) for the erection of a monument over the grave of President John Tyler, reported the same without amendment, accompanied by a report (No. 2087), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 29866) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, reported the same with amendment, accompanied by a report (No. 2082), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DRAPER, from the Committee on Pensions, to which were referred sundry bills of the Senate, reported in lieu thereof the bill (S. 10453) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2080), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which were referred sundry bills of the Senate, reported in lieu thereof the bill (S. 10327) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2081), which said bill and report were referred to the Private Calendar.

Mr. MORGAN of Missouri, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2469) for the relief of Alfred Childers, reported the same without amendment, accompanied by a report (No. 2085), which said bill and report were referred to the Private Calendar.

Mr. ENGLEBRIGHT, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 30969) for the relief of William Porter White, reported the same without amendment, accompanied by a report (No. 2086), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 28500) granting an increase of pension to James B. Graham; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 28923) granting an increase of pension to Edward Skahan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WANGER: A bill (H. R. 32570) providing for the regulation, identification, and registration of automobiles engaged in interstate commerce, and the licensing of the operators thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. MADISON: A bill (H. R. 32571) to consolidate certain forest lands in the Kansas National Forest; to the Committee on the Public Lands.

By Mr. ESTOPINAL: A bill (H. R. 32572) increasing the limit of cost of construction of the courthouse and post-office building at New Orleans, La.; to the Committee on Public Buildings and Grounds.

By Mr. GRANT: A bill (H. R. 32573) to amend section 2 of the act of Congress of June 27, 1890; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: Joint resolution (H. J. Res. 283) relating to the harbor improvement at Indiana Harbor, Ind.; to the Committee on Rivers and Harbors.

By Mr. BURKE of South Dakota: A memorial of the Legislature of South Dakota requesting the Congress of the United States to enlarge the military reservation of Fort Meade, S. Dak., and to construct permanent buildings for the accommodation of a full regiment of Cavalry; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: A memorial of the Legislature of South Dakota, requesting the Congress of the United States to enlarge the military reservation of Fort Meade, S. Dak., and to construct permanent buildings for the accommodation of a full regiment of Cavalry; to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32574) granting an increase of pension to Henry Stork; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32575) granting an increase of pension to Jacob Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32576) granting an increase of pension to Henry M. Inman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32577) granting an increase of pension to William M. Van Marter; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 32578) directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 253, in the city of Washington, D. C.; to the Committee on the District of Columbia.

By Mr. BURKE of South Dakota: A bill (H. R. 32579) granting an increase of pension to Jacob Desmuke; to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 32580) for the relief of Mrs. Henty Myers; to the Committee on War Claims.

By Mr. CAMERON: A bill (H. R. 32581) to enable the city of Phoenix, in the county of Maricopa and Territory of Arizona, to issue and sell its bonds to the amount of \$400,000 for the purpose of providing a sanitary sewer system in and for said city, and to apply out of the proceeds of the sale of said bonds an amount not exceeding the sum of \$60,000 for the purchase of the sewer system of the Phoenix Sewer & Drainage Co.; to the Committee on the Territories.

By Mr. CAPRON: A bill (H. R. 32582) granting an increase of pension to Waldo Raynsford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32583) granting an increase of pension to Zina W. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32584) granting an increase of pension to Ernest S. Cash; to the Committee on Pensions.

Also, a bill (H. R. 32585) granting an increase of pension to Hannah E. Crowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32586) granting an increase of pension to Ella F. Bussey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32587) granting an increase of pension to James Kerns; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 32588) granting an increase of pension to Sallie A. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32589) granting an increase of pension to James F. Rowley; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 32590) granting an increase of pension to James A. McIntosh; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 32591) granting a pension to Frank D. Morse; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 32592) granting an increase of pension to William B. Doris; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 32593) for the relief of Charles S. Keller; to the Committee on Claims.

By Mr. GREENE: A bill (H. R. 32594) granting a pension to Arthur W. Martin; to the Committee on Pensions.

Also, a bill (H. R. 32595) granting an increase of pension to Charles McCallion; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 32596) granting an increase of pension to Moses R. Leland; to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 32597) granting a pension to Adelaide Lowe Helm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32598) granting an increase of pension to Henry W. Wisecup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32599) granting an increase of pension to Edward Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32600) granting an increase of pension to Alonzo E. Fox; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 32601) granting pension to Kate B. Meister; to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 32602) for the relief of the beneficiaries under the will of John G. Winter, deceased; to the Committee on War Claims.

By Mr. MARTIN of Colorado: A bill (H. R. 32603) granting an increase of pension to Martha H. Cooper; to the Committee on Invalid Pensions.

By Mr. MASSEY: A bill (H. R. 32604) granting an increase of pension to Aaron M. McCown; to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 32605) granting a pension to Andrew J. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32606) granting an increase of pension to Harrison Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32607) granting a pension to S. P. Breeden; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 32608) for the relief of the children and heirs of Elizabeth Haak, Michael Haak, and Sarah Haak, all deceased; to the Committee on War Claims.

By Mr. SHEFFIELD: A bill (H. R. 32609) granting an increase of pension to Margaret O'Reilly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32610) granting a pension to Sarah W. Wilcox; to the Committee on Pensions.

Also, a bill (H. R. 32611) granting an increase of pension to Rachel Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32612) granting an increase of pension to Mrs. Joshua C. Drown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32613) granting an increase of pension to Sara M. Brown; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 32614) granting an increase of pension to Augustus L. Dyer; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 32615) granting an increase of pension to Peter Findling; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of metal polishers of Fremont, Ohio, for enactment of the illiteracy-test immigration law; to the Committee on Immigration and Naturalization.

By Mr. ANSBERRY: Petition of business firms of Van Wert, Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Papers to accompany bill relative to title of the United States to lot 20, square 253, in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. BUTLER: Petition of Rockdale Council, Junior Order of United American Mechanics, of Glen Riddle, Pa., and of Trades

Council of Royersford, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Royersford and Spring City Trades Council, against change of method in printing paper money; to the Committee on Expenditures in the Treasury Department.

By Mr. CREAGER: Petition of the Keetowah Society, on behalf of Cherokee Indians under the Cherokee allotment act, July 1, 1902, etc.; to the Committee on Indian Affairs.

By Mr. DRAPER: Petition of Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of executive committee of the Retail Merchants' Association, favoring reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of New York, for building battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FOELKER: Petition of Chamber of Commerce of New York and New York Mercantile Exchange, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of the Seward Republican Club and Wyckoff Heights taxpayers, of New York, for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Central Labor Union of Brooklyn, N. Y., for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Republican Club of New York, against Senate joint resolution 134, amendment to Constitution on senatorial election; to the Committee on the Judiciary.

By Mr. FULLER: Petition of 52 retail merchants of Yorkville, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of the People's National Fire Insurance Co., favoring the Esch phosphorus bill, H. R. 30022; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of citizens on the rural routes in North Dakota, for House bill 26791; to the Committee on the Post Office and Post Roads.

Also, petition of stockholders in the United Wireless Telegraph Co. of New York, for investigation of all wireless telegraph companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of North Dakota, protesting against the parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HEALD: Petitions of Councils No. 9, of Wilmington; No. 6, of Delmar; No. 11, of Townsend; No. 33, of Camden; No. 5, of Wilmington; No. 30, of Dagsboro; No. 1, of Farmington; No. 26, of Smyrna; and No. 20, of Roxana, of Junior Order United American Mechanics; and Camps No. 22, of Grubbs Corner, and No. 20, of Camden, of Patriotic Order Sons of America, all in the State of Delaware, urging upon Congress the enactment of legislation excluding undesirable immigrants; to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of Chamberlain Council, No. 2, Junior Order United American Mechanics, of New Britain, Conn., favoring illiteracy test in immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Moody, Tex., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HOUSTON: Papers to accompany bills for relief of W. H. Jones, William Blackburn, and Henry J. Boles; to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Washington Camp No. 98, Patriotic Order Sons of America, of Dunellen, N. J., for H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of Metal Trades Council of Newark, N. J., favoring building of battleships in Government navy yards; to the Committee on Naval Affairs.

By Mr. JAMES: Petition of Butler Council, Washington Council, and Cumberland Council, all of the Junior Order United American Mechanics, in the State of Kentucky, for H. R. 15413, restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Kentucky, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Paper to accompany bill for relief of Edward S. Kahan (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. KENNEDY of Ohio: Petition of Local No. 9, of East Liverpool, Ohio, for H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of Kiln Men's Local Union No. 9, for construction of battleships in Government navy yards; to the Committee on Naval Affairs.



By Mr. KNOWLAND: Petition of the Humboldt Chamber of Commerce, of Eureka, Cal., for suitable housing of our diplomats abroad; to the Committee on Foreign Affairs.

Also, resolutions adopted by the Los Angeles Chamber of Commerce, Los Angeles, Cal., urging the passage of House bill 6862, for permanent consular improvement and commercial enlargement; to the Committee on Foreign Affairs.

Also, resolutions passed by the Chamber of Commerce of Los Angeles, Cal., urging the opening of the coal lands in Alaska for public use; to the Committee on the Territories.

By Mr. LAFEAN: Petition of Jacob Jones Council, Junior Order United American Mechanics, of Dover; Washington Camps Nos. 443, 778, 433, and 323, Patriotic Order Sons of America, of Davidsburg, Newberrytown, La Bott, and Hanover, all in the State of Pennsylvania, for House bill 15413, providing for further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LANGLEY: Petition of citizens of tenth Kentucky congressional district, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LOWDEN: Petition of First Presbyterian Church of Kings, State of Illinois, for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. MCCREDIE: Memorial of the Washington Educational Association, of Tacoma, Wash., favoring an appropriation of \$75,000 for special lines of industrial education; to the Committee on Education.

Also, memorials of Tacoma Chamber of Commerce and the Rotary Club, of Tacoma, Wash., favoring an appropriation of \$50,000 for the improvement and protection of the Rainier National Park; to the Committee on the Public Lands.

Also, petition of Washington Camp, No. 1, Patriotic Order Sons of America, Tacoma, Wash., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, memorial of house and senate of Washington, against any Federal supervision of fisheries within limits of the State; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of house and senate of Washington, for Senate bill 9476, providing for a soldiers' pension of not less than \$50 per month for blindness; to the Committee on Invalid Pensions.

By Mr. MCKINNEY: Petition of Methodist Episcopal Church of Hillsdale and Lima, Ill., favoring the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of Charles Stranahan and other citizens of Michigan, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: Memorial of the Legislature of California, favoring Senate joint resolution No. 9; to the Committee on Irrigation of Arid Lands.

Also, petition of Los Angeles Chamber of Commerce, relative to opening Alaska coal fields; to the Committee on the Territories.

Also, petition of Los Angeles Chamber of Commerce, favoring the Cullom-Sterling consular bill (S. 1053 and H. R. 6862); to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Petition of Local 105, Pride of the Valley, Junior Order United American Mechanics, New Kensington, Pa., for further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HENRY W. PALMER: Petition of Washington Camp No. 259, Patriotic Order Sons of America, of Drifton, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Bert Millard and 52 others, of Luzerne County, Pa., for battleship construction in a Government navy yard; to the Committee on Naval Affairs.

By Mr. A. MITCHELL PALMER: Petitions of Washington Camp No. 498; Wykoff Commandery, No. 39; and Washington Camp, Patriotic Order Sons of America, of Pen Argyl, Easton, and Audenried, all in the State of Pennsylvania; and Ackermanville Council, Saxton Council, No. 591; Annette Council, No. 732; and Local Council No. 973, Junior Order United American Mechanics, of Saxton, Philipsburg, and Penns Park, all in the State of Pennsylvania, for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. PUJO: Petition of Nicholas Bros., Merryville, and J. J. Kinguey, Kinder, La., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Petition of Arthur Perry and five other citizens of Rhode Island, of the Society of Friends, against fortifying the Panama Canal; to the Committee on Railways and Canals.

Also, paper to accompany bill for relief of Betsey A. Streeter and Sophie M. Kinnicutt; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of C. R. Halleck, of Brent Creek, Mich., against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. STEVENS of Minnesota: Petition of railway mail clerks of the Northwest, relative to increase of compensation and investigation of conditions and other matters; to the Committee on the Post Office and Post Roads.

By Mr. STURGISS: Petition of the Potomac Valley Council, of Bernie, W. Va., for restricted immigration; to the Committee on Immigration and Naturalization.

By Mr. WANGER: Resolutions of Local Union No. 897, Brotherhood of Carpenters and Joiners of America, located at Norristown, Pa., in behalf of the bill (H. R. 15413) to amend the immigration act; to the Committee on Immigration and Naturalization.

Also, resolution of Branch No. 10, Glass Bottle Blowers' Association of the United States and Canada, of Royersford, Pa., in behalf of House bill 29886; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Petition of Washington Camps Nos. 1, 12, and 7, Patriotic Order Sons of America, of Lambertville, Milford, and Trenton, all in the State of New Jersey, for enactment of House bill 15413; to the Committee on Immigration and Naturalization.

## SENATE.

WEDNESDAY, February 8, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 1028. An act to appoint Warren C. Beach a captain in the Army and place him on the retired list;

S. 1318. An act for the relief of Arthur H. Barnes;

S. 2429. An act for the relief of the estate of James Mitchell, deceased;

S. 3097. An act for the relief of Douglas C. McDougal;

S. 3494. An act for the relief of Edward Forbes Greene;

S. 3897. An act for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson;

S. 4780. An act for the relief of the heirs of George A. Armstrong;

S. 5873. An act for the relief of John M. Blankenship;

S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 7138. An act granting to the town of Wilsoncreek, Wash., certain lands for reservoir purposes;

S. 7901. An act providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the Navy;

S. 8353. An act for the relief of S. S. Somerville;

S. 8583. An act for the relief of Malcolm Gillis;

S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;

S. 10288. An act granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.;

S. 10324. An act extending the provisions of the act approved March 10, 1908, entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River, in Dale County, Ala.;"

S. J. Res. 94. Joint resolution authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution; and

S. J. Res. 101. Joint resolution providing for the printing of 2,000 copies of Senate Document No. 357, for use of the Department of State.

### LADING AND ENTRY OF VESSELS, ETC.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6011) to